

CHAPTER 18 **HOUSING CODE**

ARTICLE I **GENERAL PROVISIONS**

18-1-1 PURPOSE

Pursuant to the authority delegated to municipalities by numerous provisions of State Law, this Code establishes a comprehensive set of minimum standards relating to the condition and maintenance of all dwellings in this Municipality. These regulations are intended to preserve, protect, and promote the public health, safety, comfort, and general welfare. More specifically, they are intended to assist in achieving the following objectives:

- (A) To preserve sound existing housing and to upgrade or eliminate substandard housing throughout this Municipality;
- (B) To prevent overcrowding hazards, energy waste, unsanitary conditions, and vermin infestation in all dwellings;
- (C) To preserve or increase the municipal tax base by arresting - and ultimately, reversing - the spread of blight;
- (D) To enhance the appearance and public image of Municipality;
- (E) To delineate the responsibilities of the owners of all dwelling units (see Chapter 18C – Housing Code for Non-Owner Occupied Dwellings for tenant responsibilities); and
- (F) To establish fair and efficient procedures for the administration and enforcement of this Code.

18-1-2 APPLICABILITY

This Code shall be applicable, in pertinent part, to the following:

- (A) Every single-family dwelling, including every manufactured home;
- (B) Every two-family or multiple-family dwelling and every dwelling unit therein;
- (C) Any accessory structure associated with any of above; and
- (D) The lot on which any of the above is located.

This Code shall be applicable retroactively and, except as specifically provided otherwise, the fact that any dwelling existed prior to the effective date of this Code or was built in compliance with codes in force at the time of construction shall not be a valid defense in any proceeding related to the enforcement of this Code.

18-1-3 INTERPRETATION OR CONFLICT WITH OTHER CODES.

Every provision of this Code shall be construed liberally in favor of this Municipality, and every requirement imposed herein shall be considered minimal. If any provision of this Code is found in direct conflict with another municipal code or with State law, the more stringent provision shall prevail.

- (A) Relationship to Zoning Code. This Code shall not be interpreted as permitting the construction of a dwelling or the continuation or alteration of a non-conforming use except in compliance with the Zoning Code.
- (B) Relationship to Building, Plumbing, Electrical Codes. Any construction or remodeling work that may result from the enforcement of this Code shall be carried out in compliance with any Building, Plumbing, or Electrical Code adopted by this Municipality.

18-1-4 DISCLAIMER OF LIABILITY

(A) Except as may be provided otherwise by statute or Code, no officer, board member, agent, or employee of this Municipality shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Code. (See "Local Governmental and Governmental Employees Tort Immunity Act," Ill. Rev. Stats., Chap. 85, Secs. 1-101.)

(B) Any suit brought against any officer, board member, agent, or employee of this Municipality, as a result of any act required or permitted in the discharge of his duties under this

Code, shall be defended by the Municipal Attorney until the final determination of the legal proceedings.

ARTICLE II DEFINITIONS

18-2-1 CONSTRUCTION OF TERMS

In construing the intended meaning of terminology used in this Code, the following rules shall be observed:

(A) Unless the context clearly indicates otherwise, words and phrases shall have the meaning respectively ascribed to them in Section 18-2-2; terms not defined in Section 18-2-2 shall have the meanings respectively ascribed to them in the all the chapters of the City of Sesser Code or Building Codes adopted by this municipality; if any term is not defined either in Section 18-2-2 or in such Code, said term shall have its standard English dictionary meaning.

(B) See "Definitions" in other Chapters of the City of Sesser Code.

(C) References to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection.

(D) A general term that follows or is followed by enumeration of specific terms shall not be limited to the enumerated class unless expressly limited.

18-2-2 SELECTED DEFINITIONS

Unless a different meaning clearly appears from the context, the following terms shall have the meaning ascribed in this Section and as used in this Article of this Code:

(A) ACCESSORY STRUCTURE Any structure or exterior appurtenance subordinate to the dwelling and located on the same lot.

(B) CODE ENFORCEMENT OFFICER The official appointed by the Mayor and approved by the City Council to administer this Code, or his duly authorized representative.

(C) BASEMENT A portion of a building located partly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

(D) BATHROOM A room in a dwelling unit that affords privacy to the user and contains a flush toilet, a tub or shower, and a lavatory.

(E) CRAWL SPACE In a dwelling without a basement, the area between the ground and the underside of the floor.

(F) DWELLING UNIT One (1) or more rooms designed or used as living quarters by one (1) family. A "dwelling unit" always includes a bathroom and a kitchen.

(G) DWELLING A building that contains one (1) or more dwelling units. As used in this Code, the term "dwelling" includes all dwelling units located therein.

(H) EXTERMINATION The control and elimination of rodents, insects, and other pests by poisoning, fumigating, trapping, etc., or by eliminating their food supply and harborage places.

(I) FAMILY An individual; or two (2) or more persons related by blood, marriage, or adoption; or not more than three (3) unrelated persons (excluding servants) maintaining a common household.

(J) FLOOR AREA, GROSS The gross horizontal area of a room or other enclosed space, generally expressed in square feet.

(K) GARBAGE Animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

(L) HABITABLE ROOM A room or enclosed floor space (in a dwelling unit) arranged for living, eating, or sleeping purposes. The term "habitable room" includes kitchens, but excludes bathrooms, closets, hallways, pantries, etc.

(M) INFESTATION The presence on residential premises of insects, rodents, or other vermin.

(N) KITCHEN A room or area used primarily for the preparation of food, and containing a sink, stove, and refrigerator.

(O) LEAD PAINT As set forth in State Law (Ill. Rev. Stats., Chap. 111 1/2-1302), "lead paint" means any paint or other surface coating material containing more than one-half of one percent

(0.5%) lead by weight in the total nonvolatile content of liquid paint, or such lower standard as may be adopted by the Illinois Department of Public Health.

(P) MOBILE HOME See Chapter 23.

(Q) OCCUPANCY PERMIT A permit issued by the Code Enforcement Officer to allow occupancy of a dwelling. The permit indicates that the Code Enforcement Officer has determined by inspection that the dwelling and proposed occupancy conforms to the requirements of this Code.

(R) OCCUPANCY PERMIT, TEMPORARY A short-term permit issued by the Code Enforcement Officer to allow occupancy of a non-complying dwelling while repairs are in progress.

(S) OCCUPANT The family maintaining a household in the dwelling unit in question.

(T) ORDINARY MAXIMUM SUMMER CONDITIONS The temperature fifteen degrees Fahrenheit (15°F.) below the highest recorded temperature for the previous ten (10) year period.

(U) OVERCROWDING The condition of having more occupants in a dwelling unit than is permitted by the minimum habitable space standards in this Code.

(V) OWNER The owner or owners of the freehold of the premises or lesser estate therein; a mortgagee or vendee in possession; assignee of rents; receiver; executor; trustee; lessee or other person, firm, or corporation having meaningful control of a building or premises; or their duly authorized agents. Any person or entity who shall have a legal, equitable or beneficial interest in the subject real estate, or any improvements thereto; or a reversionary leasehold interest in the subject real estate, or any improvements thereto; or a capacity to manage the subject real estate or any improvements thereto pursuant to an Order of Court, power of attorney, or agreement.

(W) PREMISES, RESIDENTIAL A dwelling and all yards and accessory structures associated therewith.

(X) "R" VALUE A measure of the resistance to heat transfer achieved by insulation of a particular type as installed.

(Y) SKIRTING The covering affixed to the bottom of the exterior walls of a manufactured home to conceal the underside thereof.

(Z) SMOKE ALARM SYSTEMS Any warning device or series of devices which, when properly installed in a dwelling, sounds an alarm when smoke in said dwelling reaches a level indicative of a potentially dangerous fire.

(AA) STRUCTURE Anything constructed or erected on the ground, or attached to something having a fixed location on the ground.

(BB) TRASH Garbage plus other solid wastes such as paper, cardboard, tin cans, bottles, yard clippings, and similar materials.

(CC) VERMIN Any objectionable insects, rodents, or other animals such as roaches, rats, mice, etc.

(DD) WEATHERSTRIPPING Strips of felt, metal, or other material applied to loose-fitting windows and doors to prevent the entry of outside air into the dwelling.

(EE) YARD The open space on the same lot as the dwelling.

(FF) MANUFACTURED HOME See Chapter 23.

(GG) MUNICIPALITY means the City of Sesser.

(HH) CORPORATE AUTHORITY or AUTHORITIES means the Mayor and City Council.

(II) ENGINEERED TRUSSES or JOISTS means trusses and joists that have been prepared, stamped and signed by a structural engineer licensed in the State of Illinois, engineered specifically for the dwelling unit, complete with layout drawings and shop drawings.

(JJ) MODULAR HOME means a sectional house prefabricated off the building site in a controlled environment, transported to the site by means of a truck, and erected at the site. They are also known as - systems-built homes, factory-built and off-site construction. This Code applies to such dwelling unit.

ARTICLE III - STRUCTURAL AND MAINTENANCE REQUIREMENTS

18-3-1 FOUNDATIONS, EXTERIOR WALLS, ROOFS

The foundation, exterior walls, and roof of every dwelling shall be structurally sound, substantially watertight, and protected against rodents.

(A) Foundation, Supports. The foundation shall adequately support the dwelling at all points. Similarly, all structural members shall be capable of carrying normally-imposed loads. Foundations shall extend into the ground below the frost line which is a minimum of 30”.

(B) Exterior Walls, Projections. All exterior walls shall be free of deterioration, holes, cracks, loose or rotting boards, or any other condition that might admit rain, dampness, or vermin to the interior portions of the walls. All cornices, molding, lintels, pediments, and similar projections shall be securely attached and without dangerous cracks or other defects.

(C) Roofs, Gutters. The roof of every dwelling shall be free of defects that would admit rain or impede rainwater runoff. Roof trusses shall be engineered trusses. Gutters shall be properly attached to the roof, and downspouts shall be securely fastened to the gutters and to the exterior walls.

(D) Chimneys. Every chimney and chimney flue shall be properly installed and maintained in safe working condition.

(E) Insulation. To conserve energy, ceilings (below attic spaces) and exterior walls shall be insulated. Ceilings (below attic spaces) shall be insulated to a minimum of R-49. Exterior walls shall be insulated to a minimum of R-20 for cavity insulation; or a minimum of R-13 cavity insulation plus a minimum of R-5 continuous insulation or insulated siding in a manner approved by the Code Enforcement Officer. The insulating material used (mineral wool, fiberglass, etc.) shall be resistant to fire, moisture, and vermin.

(F) Exterior walls with face brick veneer shall have minimum 1” and a maximum of 4 ½” airspace between the back face of the face brick veneer and the front face of the exterior sheathing. All brick face veneer shall be anchored to the studs with masonry anchors.

18-3-2 INTERIOR WALLS, CEILINGS, FLOORS.

All interior walls, ceilings, and floors shall be structurally sound, in good repair, clean, and adequately protected against the passage and harborage of vermin.

(A) Floors. All floors shall be capable of supporting normally imposed loads, and shall be free of holes; cracks; or loose, warped, protruding, or rotting floor boards. Floor trusses and floor joists shall be engineered trusses and joists. Every bathroom floor surface shall be substantially impervious to water and easily maintainable in a clean and sanitary condition.

(B) Interior Walls, Ceilings. Every interior wall and ceiling shall be free of holes or cracks. Plaster, paint, and all other surface materials shall be reasonably smooth, tight, and easily cleanable.

(C) Insulation. To conserve energy, ceilings (below attic spaces) shall be insulated to minimum of R-49.

18-3-3 LEAD PAINT PROHIBITED

The presence or application of lead bearing paint as defined by State Law (Ill. Rev. Stats., Chap. 111 1/2, Sec. 1302) is hereby prohibited:

(A) On or to any exposed surface of any dwelling; or

(B) On or to any fixtures or other objects used, installed, or located on any exposed surface of a dwelling, or intended to be so used, installed, or located and which, in the ordinary course of use, are accessible to and chewable by children.

18-3-4a BASEMENTS

(A) Basements shall be maintained free from dampness that contributes to structural deterioration. Water shall not be permitted to stand on the floor. A sump pit and proper drainage system (sump pump, associated piping, under slab mat, etc.) shall be provided in all basements. All slab drains shall be covered with grating, and all sewer connections shall be properly trapped. Basements shall be maintained free from accumulations of trash.

(B) Insulation. To conserve energy, basement walls shall be insulated to a minimum of R-10 continuous on the interior or exterior side of the wall; or a minimum of R-13 cavity insulation at the interior side of the wall.

(C) Sump pumps shall discharge to grade on the dwelling unit property at the exterior of the dwelling unit. The discharge may not be directed onto public property, such as the sidewalks or streets or on or across any neighboring lots or property. The discharge may run to a ditch abutting the property of

the dwelling unit. The discharge may be connected to the city storm sewer system with the approval of the City Council and at the cost of the owner of the dwelling unit.

(D) It is unlawful for sump pumps to be connected to the municipal sanitary sewer system or basement floor drains tied to the municipal sanitary sewer system. Penalties will be assessed per Section 18-6-15A of this Code.

18-3-4b CRAWL SPACE

(A) Crawl Spaces shall be maintained free from dampness that contributes to structural deterioration. Water shall not be permitted to stand on grade. Grade in the underfloor space shall be as high as or higher than the exterior grade unless an approved drainage system is installed. Crawl spaces shall be maintained free from accumulations of trash.

(B) Insulation. To conserve energy, crawl space walls shall be insulated to a minimum of R-10 continuous on the interior or exterior side of the wall; or a minimum of R-13 cavity insulation at the interior side of the wall.

(C) If a sump pump is provided, it shall discharge to grade on the dwelling unit property at the exterior of the dwelling unit. The discharge may not be directed onto public property, such as the sidewalks or streets or on or across any neighboring lots or property. The discharge may run to a ditch abutting the property of the dwelling unit. The discharge may be connected to the city storm sewer system with the approval of the City Council and at the cost of the owner of the dwelling unit.

(D) It is unlawful for sump pumps to be connected to the municipal sanitary sewer system. Penalties will be assessed per Section 18-6-15A of this Code.

18-3-5 STAIRWAYS AND PORCHES

Every interior and exterior stairway and every porch or similar feature shall be structurally sound and properly maintained.

(A) Railings. Every flight of stairs more than four (4) risers high shall have at least one (1) railing not less than two and one-half (2 1/2) feet high, measured vertically from the nose of the tread to the top of the railing; and every porch, balcony, or deck more than four (4) risers above the ground shall have railings at least two and one-half (2 1/2) feet (measured from the floor to the top of the railing) extending around it. Railings shall be securely fastened, properly maintained, and capable of bearing normally imposed loads.

(B) Stairs Structurally Sound. No flight of stairs shall have settled more than one (1) inch out of its intended position; or have pulled away from supporting or adjacent structures; or have rotting, loose, or deteriorating supports. All treads and risers shall be uniform in width and height. Every stair tread shall be strong enough to support a concentrated load of at least four hundred (400) pounds without danger of breaking.

(C) Porch Floors and Supports. The floor of any porch, balcony, or deck shall be free of holes; cracks; or loose, warped, protruding, or rotting floor boards. The structural supports of any such feature shall be capable of carrying normally imposed loads.

18-3-6 WINDOWS AND DOORS

(A) Windows. Every window sash shall fit reasonably tightly within its frame and be fully supplied with glass panes (or an approved substitute) that are without cracks or holes. Every window other than a fixed window shall be easily openable, and shall be held in position by window hardware. To conserve energy, window shall have a Solar Heat Gain Coefficient of a maximum of 0.40.

(B) Doors. Every exterior door, when closed, shall fit reasonably well within its frame. Every door available as an exit shall be capable of being opened from the inside easily and without the use of a key. All doors without glazing shall have a maximum of 0.35 U-factor. All door with glazing shall have a maximum Heat Gain Coefficient of 0.40.

(C) Window/Door Frames. Every window or door frame shall be constructed and aligned with adjacent walls so as to exclude rain and wind from the dwelling interior as completely as possible.

(D) Weatherstripping, Caulking. To conserve energy, loose-fitting windows and doors shall be weatherstripped in a manner approved by the Code Enforcement Officer. Similarly, to reduce warm

air leakage and cold air infiltration, cracks around window and door frames shall be caulked as directed by the Code Enforcement Officer.

(E) Basement Hatchways. Every basement hatchway shall be constructed and maintained so as to prevent rodents or rain/surface runoff from entering into the dwelling.

(F) Crawl Space Hatchways. Every crawl space hatchway shall be constructed and maintained so as to prevent rodents or rain/surface runoff from entering into the crawlspace.

(G) Fenestration. All fenestration shall have a maximum of 0.35 U-factor. All glazed fenestration shall have a maximum Heat Gain Coefficient of 0.40.

18-3-7 SCREENS AND STORM WINDOWS

(A) Rodent Screens. In order to prevent the entry of rodents, every openable basement window shall be supplied with a heavy wire or hardware cloth screen of not less than four (4) mesh per inch that fits tightly and is securely fastened to its frame.

(B) Insect Screens. From May 15 to October 1 of each year, every window or other opening used for ventilation and every door opening directly to the outdoors shall be supplied with a screen of not less than sixteen (16) mesh per inch; provided, however, that no screens shall be required for a dwelling unit located above the fourth (4th) story except under circumstances of unusually heavy insect prevalence as determined by the Code Enforcement Officer. Every screen door shall have a self-closing device in good working condition.

(C) Storm Window and Doors. In order to conserve energy, every window and every door opening directly to the outdoors shall be supplied with a storm window or door:

1. From November 1 to April 1 of each year in the case of dwellings without air conditioning; or
2. Throughout the calendar year in the case of air-conditioned dwellings.
3. This subsection shall not apply to dwellings equipped with insulated (e.g., thermopane) windows.

18-3-8 INTERIOR SANITATION

The occupant shall maintain the interior of his dwelling unit in a clean and sanitary condition, free from vermin and any accumulation of trash. (Trash accumulating between collections shall be stored in containers required by Section 18-3-10. In multiple-family dwellings, the owner shall be responsible for keeping the shared/public areas clean.

18-3-9 EXTERMINATION

Any necessary extermination work shall be conducted in a manner protective of human health and, after the work is completed, adequate measures to prevent reinfestation shall be taken. In multiple-family dwellings, the tenant shall be responsible for the elimination of rodents and other vermin from that part of the premises under his exclusive control; but when more than one (1) dwelling unit is infested at the same time, the dwelling owner shall be responsible for the extermination work.

18-3-10 TRASH CONTAINERS

(A) Containers shall be as supplied by the garbage waste collection agency based on agreements with the City of Sesser.

(B) Container Specifications. The owner of the dwelling unit shall maintain in good condition a sufficient number of trash containers for the temporary storage of all trash accumulating between collections. The standard trash container required by this Code shall be a receptacle of neither less than fifteen (15) nor more than thirty (30) gallon capacity, of impervious material and sturdy construction, with a tight fitting cover, and equipped with handles properly placed to facilitate handling. The container must not have any interior protrusions which hinder the free discharge of the contents. The combined weight of the contents and container shall not exceed fifty (50) pounds. Fifty-five (55) gallon barrels and oil drums are not approved containers.

18-3-11 ACCESSORY STRUCTURES

Structures accessory to dwellings include, but are not limited to, porches, decks, stoops, garages, carports, sheds, and fences.

(A) Maintenance, Removal. All accessory structures shall be structurally sound, currently functional, and maintained in good repair and alignment. The owner shall remove any accessory structure that serves no useful purpose and is deteriorated beyond economical repair.

(B) Obstructions, Vermin Harborage. Accessory structures shall not block light and air from any dwelling unit, obstruct access to any dwelling unit, or provide harborage for vermin.

(C) Accessory Structures. Accessory structures present or provided shall be structurally sound, and be maintained in good repair and free from insects and rats, or such structures shall be removed from the premises. The exterior of such structure shall be made weather resistant through the use of decay-resistant materials or the use of paint or other preservatives. Paint or other protective coverings must be maintained free of deterioration, in sound condition and good repair.

(D) Fences. All fences present or provided on the premises and/or all fences erected shall be constructed of manufactured metal fencing material, wood, masonry or other material. Such fences shall be maintained in good condition. Wood materials, other than decay-resistant wood, shall be protected against decay by use of paint or other preservative. Any paint or other protective material must be maintained free of deterioration, in sound condition and good repair. The permissible height and other characteristics of all fences shall conform to the appropriate statutes, codes and regulations of the City and State. Wherever any egress from the dwelling opens into the fenced area, there shall be a means of egress from the premises to any public way adjacent thereto.

18-3-12 YARDS

(A) Every yard shall be properly graded and drained to prevent the accumulation of stagnant water.

(B) All exterior property and premises shall be maintained free from the accumulation of rubbish, trash and garbage, which includes lumber and other building materials unless it is stacked on elevated racks to prevent harborage to vermin, and discarded furniture and appliances, tools and toys.

(C) Property owners are responsible to mow any grasses over eight (8") inches in height.

(D) Exterior property areas shall be kept free of all weeds which are detrimental to the public health, including, but not limited to ragweed, poison ivy, poison oak, and poison sumac.

(E) All exterior property and premises shall be maintained free noxious species of plants. Noxious plants are any plant designated by a Federal, State or county government as injurious to public health, agriculture, recreation, wildlife or property.

(F) All garbage shall be properly stored in approved leak proof covered containers, which shall be stored at the side or rear of the structure, except for the period the containers are placed at the curb, end of the drive, or other designated pickup location for garbage collection. Open containers and barrels are prohibited. Trash containers of any kind or type are prohibited from being located in the front yard. Plastic trash bags are prohibited unless properly placed in an approved covered container. It is permissible, however, to place plastic bags next to the curb on trash collection days.

(G) Property owners are responsible to clean up any trash and garbage that becomes scattered in another's yard.

(H) Area Near Intersection On corner lots, in the triangular portion of land bounded by the street lines of the lot and a line joining the two (2) points, each of which is on one (1) street line and thirty (30) feet from the point of the intersection, the owner shall keep all vegetation trimmed so that it does not extend more than two (2) feet above ground level, provided however, this restriction shall not apply to trees having a trunk diameter of two (2) inches or more when measured twelve (12) inches above ground.

(I) Vehicles Not more than one currently unregistered motor vehicle shall be parked in any yard. No dwelling owner shall make major motor vehicle repairs or allow any motor vehicle to remain in a state of major disassembly on residential premises.

(J) Water shall not be permitted to accumulate or stand on the premises so as to create any stagnant condition, mosquito breeding ground, offensive smell, unsightly condition, unsafe or hazardous condition or other condition potentially harmful to the public health or safety.

(K) All outdoor spas, and hot tubs must be securely enclosed in a solid, chain link, or other approved fence not less than four feet in height with a self-closing and self-latching gate or locked gate. Fencing or barriers for swimming pools and wading pools shall comply with the applicable building and residential Codes adopted by the City.

18-3-13 BOARDING UP

Whenever the glass in any window, glazed exterior door, exterior transom, or skylight is broken, the owner shall promptly remove the broken glass from the premises and temporarily board-up the affected openings in order to prevent accidents, provide protection from the elements, keep out animal pests, and provide security to the occupants or contents of the dwelling unit. Since the presence of sloppily boarded-up buildings invites vandalism and creates a blighting influence, all boarding-up of exterior openings shall be accomplished in a neat, workmanlike manner using not less than one-half (1/2) inch thick weather-resistant plywood cut to fit within openings, fastened in place as securely as possible, and suitably coated with a color that blends with the exterior colors of the building as inconspicuously as possible.

The Code Enforcement Officer shall notify the owner of any boarded-up dwelling unit(s) not complying with these requirements, and shall allow him not more than ten (10) working days from the date of notice in which to replace the broken glass or to repair, replace or paint the boarding.

ARTICLE IV - ROOM AND OCCUPANCY REQUIREMENTS

18-4-1 OVERCROWDING PROHIBITED.

The minimum total gross floor area of the habitable rooms of every dwelling unit shall be:

- (A) Two hundred fifty (250) square feet for the first occupant; plus
- (B) One hundred fifty (150) square feet for the second occupant; plus
- (C) One hundred (100) square feet per additional occupant over two (2) occupants.

18-4-2 BEDROOMS

Every room used primarily for sleeping purposes shall meet the following requirements:

- (A) Minimum Floor Area. The minimum gross floor area shall be:
 - 1. In the case of a bedroom used for sleeping by only one (1) person, seventy (70) square feet.
 - 2. In the case of a bedroom used for sleeping by two (2) or more persons, fifty (50) square feet per person.

In calculating the floor area of attic or top half-story bedrooms, only those portions of the floor over which the ceiling is at least five (5) feet high shall be counted.

(B) Minimum Dimensions. No bedroom floor shall be less than seven (7) feet in length or width.

(C) Access to Bathroom. Every bedroom shall have access to at least one (1) bathroom. Except in the case of existing single-family dwellings without ledgers, said required access shall not necessitate passage through another bedroom.

(D) Closets. Every bedroom shall have at least five (5) square feet of closet space opening into the bedroom.

18-4-3 KITCHENS

Every dwelling unit shall include a kitchen which may be either a separate room or portion of a multi-purpose room. Every kitchen shall include, at a minimum, the following equipment:

(A) One (1) sink in good working condition that provides at all times an adequate amount of heated and unheated running water under pressure, and that is properly connected to the sewage disposal system;

(B) One (1) stove (or similar device) for cooking food, properly installed for safe and efficient operation. Portable cooking equipment employing flame and the use of liquid fuel is prohibited; and

(C) One (1) refrigerator (or similar device) for the safe storage of food at temperatures less than fifty degrees (50°F) Fahrenheit but more than thirty-two degrees (32°F) Fahrenheit under ordinary maximum summer conditions, properly installed and connected for safe, sanitary and efficient operation.

18-4-4 BATHROOMS

Every dwelling unit shall contain at least one (1) bathroom that affords privacy to the individual using it. Every required bathroom shall include at a minimum, the following equipment:

- (A) One (1) flush toilet;
- (B) One (1) tub or shower; and
- (C) One (1) lavatory basin.

All these fixtures shall be in good working condition, and properly connected to the water system and to the sewage disposal system.

Every lavatory basin and bathtub/shower shall be capable of providing at all times an adequate amount of heated and unheated running water under pressure.

Any dwelling occupied by seven (7) or more individuals shall be equipped with at least two (2) toilets and two (2) lavatory basins in two separate bathrooms.

18-4-5 BASEMENT ROOMS

(A) No room in any basement shall be counted to satisfy the minimum room and space requirements of this Article unless such basement room conforms to every pertinent regulation of this Code, and is constructed in such a manner that:

1. The required minimum window area as required in Section 18-4-7 is entirely above ground level.
2. Moisture cannot seep through the floor or walls.
3. The clear inner height is at least 7 feet and no pipes, beams or soffits are below 6 feet from the lower level.
4. The habitable areas have escape or rescue windows a minimum net clear openable area of 5.7 sq. ft. (820.8 sq in). The minimum net clear openable height dimension must be 24 inches. The minimum net clear openable width dimension must be 20 inches. They must also have a finished sill height (clear opening) of not more than 44 inches above the floor. The net clear operable area may be reduced to 5.0 sf (720 sq in) if 44" or less from exterior ground level to sill.

18-4-6 CEILING HEIGHT

The clear ceiling height in all habitable rooms shall be at least seven feet four inches (7'4"), except that in attic rooms or top half-stories the ceiling height shall be at least seven (7) feet over not less than **one-third (1/3)** of the area used for sleeping, study, or similar activity.

18-4-7 NATURAL LIGHTING

Every habitable room except the kitchen shall have a window, skylight, or other means of transmitting natural light from outdoors. As used in this Section, the term "window" includes all such means. The total clear glass area of such window(s) shall be at least ten percent (10%) of the floor area of the room ten (10) square feet, whichever is greater.

18-4-8 VENTILATION

(A) Rooms. Except as specifically provided otherwise below, every habitable room shall be adequately ventilated either naturally or by a mechanical ventilation system approved as to type and installation by the Code Enforcement Officer.

Natural ventilation shall be deemed adequate when the total area through which outside air can flow into the room by acceptable means equals at least forty-five percent (45%) of the total clear glass area required for natural light in Section 18-4-7. Acceptable means of natural ventilation include windows, louvers, monitors, or other direct openings to the outdoors, but not doors.

(B) Small Kitchens. A kitchen less than seventy (70) square feet in floor area that is without either a mechanical ventilation system or a direct opening to the outdoors shall nonetheless

be considered adequately ventilated if there is an opening at least thirty-two (32) square feet in area between the kitchen and another room in the same dwelling unit that has adequate natural ventilation.

(C) Bathrooms. Every bathroom shall be adequately ventilated by one (1) or more of the following means:

1. Natural or mechanical ventilation as set forth above; or
2. A gravity vent flue having a total clear area equal to at least five percent (5%) of the floor area of the bathroom or one hundred twenty (120) square inches, whichever is greater. Gravity vent flues shall be constructed of incombustible material and shall be provided with a weather cap, directional vane, or rotary type ventilation on the roof.

18-4-9 EGRESS REQUIREMENTS

Every dwelling unit shall have at least one (1) unobstructed means of egress that leads to a public street or alley either directly or through a court or yard. Every dwelling unit located on the third (3rd) or higher story shall have at least two (2) such exits. Passage to a dwelling unit's exit(s) shall not lead through any other dwelling unit or through a space that might reasonably be locked by anyone who is not a member of the household. Provided, that dual egress shall not be required in structures that are of fireproof construction as defined in this code.

18-4-10 CONNECTION TO COMMERCIAL USE PROHIBITED

No habitable room and no bathroom that is accessory to a dwelling unit shall open directly into or be used in conjunction with any commercial establishment or professional's office.

ARTICLE V BASIC FACILITIES

18-5-1 ELECTRICAL SYSTEM

In every dwelling unit, every electrical outlet, switch, and fixture - whether required or not shall be installed, maintained, and connected to the source of electric power in accordance with the provisions of the Building or Electrical Code adopted by this Municipality.

(A) Minimum Service. Every dwelling unit shall have main electrical service of at least one hundred (100) amperes.

(B) Lighting. Every bathroom and kitchen, every hallway and stairway, and every laundry area, furnace room, or every similar non-habitable work space shall contain at least one (1) working ceiling or wall lighting fixture. In multiple-family dwellings, every shared/public hall and stairway shall have a minimum of five (5) footcandles of daylight or electric illumination at all times.

(C) Convenience Outlets. Every habitable room shall contain at least two (2) separate and remote wall-type electric convenience outlets. Every bathroom and laundry area shall contain at least **one (1)** working grounded-type convenience outlet.

18-5-2 ELECTRICAL HAZARDS

In determining whether the electrical system of any dwelling unit is hazardous to the occupants (and thus in violation of this Code), the Code Enforcement Officer shall consider the size of the dwelling unit, the number of occupants, and the occupants' usage of appliances and equipment.

The electrical system of a dwelling unit may be found hazardous due to any of the following conditions:

- (A) Insufficient amperage;
- (B) Improper fusing, wiring, or installation;
- (C) Improper or inadequate grounding of the system or parts thereof;
- (D) The presence of loose, hanging, frayed, or bare wires;
- (E) The use of extension cords except for short-term purposes;
- (F) Insufficient outlets or fixtures;
- (G) The presence of conductor supported pendant switches or light;
- (H) The presence of flush or semi-flush mounted floor convenience outlets, lacking approved waterproof covers; or

(I) General deterioration of the system or parts thereof.

The Code Enforcement Officer may employ the assistance of an electrician or an electrical engineer to assist in review and determination of any of the above items.

18-5-3 HEATING

(A) General. Every dwelling unit shall be served by acceptable, properly installed heating facilities in good working condition. "Good working condition" means that the heating facilities can safely heat all habitable rooms and bathrooms within said dwelling unit to a temperature of at least sixty-eight degrees (68°F) Fahrenheit when the temperature outdoors is zero degrees (0°F) Fahrenheit. "Acceptable" heating facilities do not include appliances designed primarily for cooking or water heating purposes, or portable heating equipment employing flame.

18-5-4 WATER HEATING FACILITIES

(A) General. Every dwelling unit shall be served by water heating facilities that are properly installed and connected to the building's hot water lines and maintained at all times in safe operating condition. The water heating facilities shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, bathroom sink, and bathtub or shower at a temperature of not less than one hundred twenty degrees (120°F) Fahrenheit even when the space heating facilities required by Section 18-5-3 are not in operation.

18-5-5 PLUMBING GENERALLY

In every dwelling unit every sewer line, water line, plumbing fixture, vent, and drain shall be properly installed, and maintained free from obstructions, leaks, or defects so as to prevent structural deterioration or health hazards. All repairs and installations shall be made in conformity with the Building and Plumbing Code adopted by this Municipality.

The administrative authority designated to administer and enforce the plumbing regulations shall be the Illinois state plumbing inspector.

18-5-6 FIRE PROTECTION EQUIPMENT

(A) Smoke Alarms or Detectors. All dwellings and dwelling units shall be equipped with a properly installed smoke alarm on each story of the dwelling unit and within fifteen feet of each sleeping room area, which detector shall comply with the applicable Codes of the City and with the Statutes of the State of Illinois the Smoke Detector Act (425 ILCS 60, as amended). The smoke detectors shall be approved by the Fire Chief.

(B) Fire Extinguishers in Manufactured Homes. As required by State Law (Ill. Rev. Stats., Chap. 111 1/2, Sec. 719.9, as amended) every Manufactured home shall be equipped with two (2) working fire extinguishers, one (1) in each end of the home. Also see chapter 23.

18-5-7 CARBON MONOXIDE PROTECTION EQUIPMENT

(A) Carbon Monoxide Alarms. All dwellings and dwelling units shall be equipped with a properly installed carbon monoxide detector on each story of the dwelling unit and within fifteen feet of each sleeping room area, which detector shall comply with the applicable chapters of the City and with the Statutes of the State of Illinois the Carbon Monoxide Alarm Detector Act (430 ILCS 135, as amended). The carbon monoxide detectors shall be approved by the Fire Chief.

18-5-8 RADON MITIGATION SYSTEM

(A) Effective June 1, 2013, all new residential construction throughout Illinois must include passive radon resistant system per the Statutes of the State of Illinois the Radon Resistant Construction Act (420 ILCS 52, as amended).

(B) If a house has a passive mitigation system installed, but still tests over the limit, the passive (no power fan) system will need to be converted to an active (power fan added) radon mitigation system.

(C) Only a radon mitigation contractor licensed by the Illinois Emergency Management Agency may install a radon vent fan or upgrade this passive new construction pipe to an active radon mitigation system. A permit is required.

(D) For further information about radon, refer to the Illinois Emergency Management Association regarding radon at www.radon.illinois.gov.

ARTICLE VI ADMINISTRATION AND ENFORCEMENT

18-6-1 CODE ENFORCEMENT OFFICER, DUTIES

The Code Enforcement Officer is hereby authorized and directed to administer and enforce the provisions of this Code. This broad responsibility encompasses, but is not limited to, the following specific duties:

(A) To inspect dwellings, accessory structures, and residential premises in accordance with Section 18-6-2.

(B) To take appropriate actions to correct violations of this Code.

(C) To review and pass upon applications for occupancy permits and temporary occupancy permits;

(D) To maintain up-to-date records of all matters pertaining to the administration and enforcement of this Code;

(E) To periodically review the provisions of this Code to determine whether revisions are needed, and to make recommendations on these matters to the Corporate Authorities at least once each year;

(F) To provide information to the general public on matters related to this Code;

(G) To perform such other duties as the Corporate Authorities may from time to time prescribe.

18-6-2 INSPECTIONS

Pursuant to properly filed complaints or on his own initiative, the Code Enforcement Officer may inspect dwellings, accessory structures, and residential premises as often as reasonably necessary to insure compliance with the provisions of this Code.

(A) Whenever the Code Enforcement Officer considers it reasonably necessary or desirable to have such inspections made by another department of this Municipality, he shall arrange for this to be done in such a manner that the owner is not subjected to numerous inspections or to multiple or conflicting correction orders.

(B) The owner shall give the Code Enforcement Officer free access to the premises at any reasonable time upon display of proper identification in order to allow him to perform his duties under this Code.

18-6-3 OCCUPANCY PERMITS

(A) Required It shall be unlawful for any owner to allow a person to occupy any dwelling unit prior to an inspection and the issuance of an occupancy permit. No Occupancy Permit shall be issued until the Code Enforcement Officer has inspected the dwelling and determined the occupancy thereof conforms to all provisions of this Code and the International Property Maintenance Code, as adopted by the City of Sesser in Chapter 5, Section 5-1-1. All properties shall be inspected at the time application for water service is made. If a dwelling fails to comply with the property maintenance provisions, the occupancy permit shall not be issued and the owner shall be given a list of items to be corrected. The fee for inspection shall be Thirty Five Dollars (\$35.00). In the event the property owner is not available at the scheduled time for the inspection, a reinspection fee of Ten Dollars (\$10.00) shall be imposed.

(B) Temporary Occupancy Permit A dwelling not in full compliance with this Code and the International Property Maintenance Code may be occupied while repairs are being made if the Code Enforcement Officer has issued a Temporary Occupancy Permit. No Temporary Occupancy Permit shall be issued until the Code Enforcement Officer has inspected the premises and determined the occupancy thereof does not constitute a serious hazard to the health or safety of the occupants. A temporary

occupancy permit shall be valid for a period of thirty (30) days and may not be renewed. For repairs longer than thirty (30) days, a new temporary occupancy permit must be applied for each thirty (30) day block of time. The fee for inspection shall be Thirty Five Dollars (\$35.00). In the event the property owner is not available at the scheduled time for the inspection, a reinspection fee of Ten Dollars (\$10.00) shall be imposed.

18-6-4 RESERVED

18-6-5 RESERVED

18-6-6 REVOCATION OF PERMITS

The Code Enforcement Officer, upon notice in writing, may revoke any occupancy permit or temporary occupancy permit if:

- (A) The Code Enforcement Officer determines that material information contained in the application for said permit is false;
- (B) The occupant refuses to allow an authorized inspection of the premises at any time;
- (C) The work authorized by a temporary occupancy permit is not proceeding; or
- (D) The occupant or owner fails to comply with a corrective action order or fails to maintain the property in compliance with this Chapter; or
- (E) The permit was issued in error by the Code Enforcement Officer. The 5-day Notice of Revocation shall be served in the same manner as required for a Corrective Action Order. During the 5 day period the applicant or current permit holder may provide such information as desired by the applicant or permit holder to the Code Enforcement Officer for consideration in the decision to revoke.

18-6-7 UTILITIES NOT TO BE PROVIDED

(A) Upon notification by the Code Enforcement Officer, it shall be unlawful for any utility company to begin providing gas, electric, water, telephone, internet, cable, or satellite service of any kind, whenever the Code Enforcement Officer determines by inspection that the introductory of such utility service, into a dwelling, dwelling unit or accessory structure, constitute a serious hazard to the health and safety of the occupants.

(B) In the event the Code Enforcement Officer determines that the owner has corrected the hazardous conditions, said utilities shall be notified by the Code Enforcement Officer of the corrected condition.

(C) In any event, utility services shall be provided in accordance with the rules and regulations of the utility and the Illinois Commerce Commission, where applicable.

18-6-8 CORRECTIVE ACTION ORDERS

(A) Basis of Corrective-Action Order Whenever the Code Enforcement Officer determines, by inspection or otherwise, that any occupancy or any dwelling, dwelling unit, accessory structure or other portion of residential premises is in violation of this Code he shall so notify the owner in writing and order appropriate corrective action.

(B) Contents of Order The order to take corrective action(s) shall include the following information:

1. A description of the premises sufficient for identification;
2. A statement indicating the nature of the violation;
3. A statement of the remedial action (repairs, reduced number of occupants, etc.) necessary to effect compliance;
4. The date (at least 5-days unless an emergency condition) by which the violation must be corrected;
5. The date by which an appeal of the correction order must be filed and a statement of the procedure for so filing;
6. A statement that if the violation is not corrected or if the order is not appealed within the prescribed time limits, the occupancy permit may be

revoked, a fine may be imposed, and/or the property may be declared unfit for human habitation with attendant consequences.

(C) Service of Order The corrective action order shall be deemed properly served upon the owner if it is:

1. Served upon him personally;
2. Sent by registered mail to his last known address; or if (1) or (2) are impossible);
3. Posted in a conspicuous place on or about the dwelling or premises.

(D) Transfer of Ownership Prohibited. It shall be unlawful for the owner of any dwelling who has been served a corrective action order to sell, transfer, mortgage, lease, or otherwise dispose of the dwelling until he has either:

1. Effected compliance with the provisions of this Code; or
2. Furnished the grantee, transferee, mortgagee, or lessee a true copy of the corrective action order, and has given the Code Enforcement Officer a signed and notarized statement from said grantee, transferee, mortgagee, or lessee that acknowledges receipt of such corrective action order and unconditionally accepts responsibility for making the required repairs.

18-6-9 DWELLINGS UNFIT FOR HUMAN HABITATION

In addition to action authorized elsewhere in this Code, the Code Enforcement Officer shall declare "unfit for human habitation" any dwelling that is so damaged, dilapidated, vermin-infested, or deficient with respect to illumination, ventilation, or basic facilities (including sanitary, electrical, plumbing, heating, etc.) that it creates a serious hazard to the health or safety of the occupants or the public.

The Code Enforcement Officer may employ the assistance of an Illinois Department of Public Health employee of official to assist in review and determination of any of the above items.

(A) Placard The Code Enforcement Officer shall post a placard on every dwelling declared unfit for human habitation. The placard shall include:

1. The name of this Municipality.
2. A statement that said placard has been posted by the Code Enforcement Officer under authority of this Code.
3. The date of posting;
4. An order that the dwelling must remain vacated and off-limits to all unauthorized persons until compliance with this Code is achieved and such order to vacate is withdrawn; and
5. A statement that defacement or removal of the placard is a violation of this Code punishable by a fine not to exceed Five Hundred Dollars (\$500.00).

(B) Dwelling to be Vacated Any dwelling declared unfit for human habitation and so placarded shall be vacated within a reasonable time as ordered by the Code Enforcement Officer. Occupancy of such dwelling shall not be resumed until the Code Enforcement Officer has approved in writing and removed the placard. The Administrator shall remove the placard as soon as the defects that prompted the declaration of unfitness have been eliminated. No other person shall deface or remove said placard.

(C) Vacated Dwelling to be Made Secure The owner of every dwelling declared unfit for human habitation shall board up and otherwise make said dwelling safe and secure so that it does not constitute a fire hazard or public nuisance. (See Sec. 18 3-13)

18-6-10 EMERGENCY MEASURES

Notwithstanding any other provisions of this Code, whenever the Code Enforcement Officer determines that any dwelling, accessory structure, or other part of a residential premises poses an immediate peril to the occupants or to the public, he may take any action necessary to alleviate the perilous condition--including ordering immediate demolition--without notice.

18-6-11 CORRECTION BY CITY OF SESSER

If any dwelling owner fails to obey a corrective action order, the Code Enforcement Officer may cause the necessary work (including demolition) to be performed by municipal employees or may

contract to have the work done by a private concern. The Code Enforcement Officer shall keep an accurate account of expenses incurred, and shall file said account with the City Clerk. The Clerk shall pay such expenses on behalf of this City.

18-6-12 DEMOLITION OF ABANDONED BUILDINGS

It is within the authority for the City of Sesser, after proper notice has been given, to cause the demolition of any structure that poses an immediate peril to the occupants or to the public; is a fire hazard; or is in such a state of disrepair that the cost to bring the structure into compliance with municipal codes exceeds the cost of demolition.

18-6-13 RECOVERY OF COSTS

The City Clerk shall mail a statement of the total expenses incurred to the owner of the dwelling. In accordance with Illinois Revised Statutes, Chapter 24, Section 11-31-1, if the owner has not paid the total amount due within sixty (60) days after said statement is mailed, the costs shall constitute a lien on the property. The City Clerk shall file notice of this lien with the County Recorder of Deeds, setting forth the following:

- (A) A description of the real estate sufficient for identification;
- (B) The amount of the expenses incurred; and
- (C) The date on which the expenses were incurred.
- (D) The lien must be enforced by customary foreclosure proceedings within three (3) years from the date notice thereof is filed.

18-6-14 COMPLAINTS

Whenever any violation of this Code occurs or is alleged to have occurred, any person may file a written complaint on forms provided by the Code Enforcement Officer. The Code Enforcement Officer shall record such complaints, promptly investigate, and if necessary, institute appropriate corrective action.

18-6-15a PENALTIES

(A) A violation of any provision of this Code shall be a code violation. The occupancy shall be considered separate and independent from the owner (unless they are one and the same), and each shall be, upon conviction, subject to the penalties indicated below.

(B) Any person who is convicted of a violation of this Code shall be fined, not less than Fifty Dollars (\$50.00) but not more than Five Hundred Dollars (\$500.00) per day, plus costs, that the structure remains in a state of noncompliance with this Code.

(C) Nothing contained in this Section shall prevent this Municipality from taking any other lawful action that may be necessary to secure compliance with This Code.

18-6-15b APPEAL AND REVIEW

Any person aggrieved by any decision or order of the Code Enforcement Officer in any matter related to the interpretation or enforcement of any provision of this Code may appeal to the Board of Appeals.

(A) Filing; Record Transmittal. Every appeal shall be made within ten (10) days of the matter complained of by filing with the Code Enforcement Officer and the City Clerk a written notice specifying the grounds for appeal. The fee for filing an appeal shall be Fifty Dollars (\$50.00) plus cost. Not more than five (5) working days after the notice of appeal has been filed, the Code Enforcement Officer shall transmit to the Board of Appeals all records pertinent to the case.

(B) Stay of Further Proceedings. An appeal stays all further action on the matter being appealed unless the Code Enforcement Officer certifies to the Board of Appeals, after the notice of appeal has been filed with him, that for reasons stated in the certificate a stay would cause imminent peril to life or property. In such case, further action shall not be stayed unless the circuit court grants a restraining order for due cause, and so notifies the Code Enforcement Officer.

(C) Hearing; Decision by the Board of Appeals: The Board of Appeals shall publicly hear each appeal following the submission of the Code Enforcement Officer's records. Each public meeting will be scheduled by the Board of Appeals as each appeal is filed. Notice of the meeting date and times

shall be provided in writing to those filing appeals. Any interested party may appear at the hearing and testify, either in person or by duly authorized agent or attorney. The Board of Appeals shall render a decision on the appeal within a reasonable time after the hearing. They may reverse or affirm, wholly or partly, or may modify or amend the decision or order appealed from to the extent and in the manner they deem appropriate.

(D) All final administrative decisions of the Board of Appeals shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof and the rules adopted pursuant thereto.

ARTICLE VII EFFECTIVE DATE AND PUBLISHING OF CODE

18-7-1 EFFECTIVE DATE

The provisions of this Chapter shall be effective beginning on the date of approval and adoption by the City Council.

18-7-2 PUBLISHING OF CODE

This code shall be published within ten (10) days of its enactment as provided by Section 1-2-4 of the Illinois Municipal Code and shall be effective ten (10) days after it is so published.