



ORDINANCE NO. 161605
RENTAL HOUSING ORDINANCE OF THE VILLAGE OF
PORT BYRON, ROCK ISLAND COUNTY, ILLINOIS

WHEREAS, the Village of Port Byron has determined that it is in the best interest of the Village of Port Byron to pass an Ordinance for Rental Housing; and

WHEREAS, the Rental Housing was finalized at the meeting held on Monday, May 16, 2016, and a copy of the Rental Housing Ordinance is attached hereto as Exhibit "A" and made a part hereof by reference; and

NOW, THEREFORE be it ordained by the President and the Board of the Village of Port Byron to adopt the Rental Housing Code:

SECTION ONE: That the attached Rental Housing Ordinance provisions are adopted as the Village of Port Byron, Rock Island County, Illinois,

SECTION TWO: That the Rental Housing Ordinance consists of 25 pages and begins with section one designated 9-2-1 through 9-2-13.

SECTION THREE: All Ordinances or parts of Ordinances in conflict herewith are expressly repealed insofar as they so conflict.

SECTION FOUR: That this Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

Passed this 16th day of May, 2016.

AYES: Sullivan, Peterson, Wells, Meade, Bitler, Sidor

NAYS: None

ABSENT: None

APPROVED THIS 16th DAY OF May, 2016

Kevin Klute
President of the Village of Port Byron,
Rock Island County, Illinois

ATTEST:

Kari Rozeboom
Village Clerk of the Village of Port Byron,
Rock Island County, Illinois

RENTAL HOUSING

Code of Port Byron, Illinois

9-2-1: POLICY; PURPOSE; APPLICABILITY:

- A. Declaration of Policy:** The Port Byron, Illinois Board of Trustees declares that the purpose of this Chapter is to protect and preserve the physical and mental health of the people and to promote the general safety and welfare of the people by establishing minimum standards for basic equipment and facilities for light, ventilation and heating; and to provide safety from fire; and to determine the use and location and amount of space for human occupancy and for safe, sanitary maintenance of dwellings, dwelling units, rooming units, hotels and motels; and by determining the responsibilities of owners, operators and occupants of dwellings; and providing for the administration and enforcement thereof. Any inconsistency or conflict between the provisions of this Chapter and any other provision of this Code or other existing ordinance shall not repeal such provision or ordinance but the provisions of the Chapter shall be cumulative thereto.
- B. Purpose:** The ultimate purpose of this Chapter is to prevent blight and deterioration of neighborhoods. More immediately, the purpose of this Chapter is to establish minimum standards for maintaining both private and commercial residential property so as to, on one hand, provide occupants and neighbors with a healthful and safe environment in which to live and, on the other hand, to permit the fullest use of residential properties for residential purposes at the lowest reasonable cost to owner- occupants and to landlords and tenants.
- C. Applicability:** Any rental properties within the Village that are legally subject to inspection by the Dept. of Housing and Urban Development are exempt from the requirements of the local Port Byron Inspection Code. Every building or portion thereof used for rental purposes such as a dwelling, dwelling unit, two-family dwelling, multiple family dwelling, multiple use dwelling, hotel, motel, habitable room, rooming unit or rooming house, shall conform to the requirements of this Chapter, irrespective of the class to which such building or portion thereof may otherwise belong and irrespective of which such building or portion thereof may have been reconstructed, altered or repaired. This Chapter also applies to single-family dwellings that are not owner-occupied and used for rental purposes, provided one or more of the following conditions of subsections 9-2-5-1A through G or I are encountered.

9-2-2: DEFINITIONS:

- A. **Construction:** Words used in the present tense shall include the future tense; the singular number includes the plural, and the plural number included the singular; the word 'lot' includes the word 'plot' or 'parcel'. The word 'shall' is mandatory and the word 'may' is permissive. Whenever the words 'dwelling', 'dwelling unit', 'rooming house', 'rooming unit', or 'premises', are used in this Code, they shall be interpreted as though they were followed by the words 'or any part thereof'.
- B. **Definitions:** The following words, terms and phrases are hereby defined as follows and shall be interpreted as such throughout these regulations. Terms not herein defined shall have the meaning customarily assigned to them:

ACCESSORY BUILDING OR USE: Any building or use which is on the same lot with and of a nature customarily incidental and subordinate to the principal building or use.

AGRICULTURAL USES, BONA FIDE: The growing of crops in the open, raising of stock and poultry, forestry, mushroom growing, flower gardening, operation of apiaries and aviaries, nurseries, orchards, fur farms, roadside stands, signs and billboards relating to the sale or sue of products produced thereon, and necessary structures and farm dwellings for such uses.

ALLEY: A traffic way dedicated to public use which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which is less than twenty (20') wide.

AUTOMOBILE SERVICE STATION: One or more buildings on premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail, and incidental repair and maintenance may be obtained. Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair garage or body shop. All activities incidental to the sale of gasoline or oil shall be conducted within a building and there shall be no storage or accumulation of equipment or motor vehicles disassembled or otherwise outside of the principal structure.

BASEMENT: That portion of a building which is partly below and partly above grade and having at least one-half ($\frac{1}{2}$) its height above grade.

BATHROOM: A room containing bathing and sanitary facilities consisting of a water closet, a tub or shower and a lavatory. A bathroom shall be provided within each living unit and shall afford complete privacy.

BILLBOARD: A type of sign having more than one hundred (100) square feet of display surface which is either erected on a ground or attached to or supported by a building or structure.

BOARD OF APPEALS: The Zoning Board of Appeals of the Village.

BOARDING AND LODGING HOUSE: A dwelling other than a hotel where, for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for three (3) or more, but not exceeding twenty (20) persons on a weekly basis.

BUILDING: Any structure designed or built for the support, enclosure, shelter or protection of people, animals, chattels or property of any kind. Any structure with interior areas not normally accessible for human use shall not be considered as a building.

BUILDING, HEIGHT OF: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridges for gable, hip or gambrel roofs.

BUILDING INSPECTOR: The Building Inspector shall be the officer charged with the administration and enforcement of this Chapter.

CAR WASH: A building or portion thereof, containing facilities for washing more than two (2) automobiles; using production-line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices; or providing space, water, equipment or soap for the complete or partial hand-washing of such automobiles, whether by operator or by customer.

CELLAR: That portion of a building which is partly or completely below grade and having at least one-half ($\frac{1}{2}$) of its height below grade.

CHILD CARE CENTER: Any place, home, or institution which receives three (3) or more children under the age of sixteen (16) years and not of common parentage, for care apart from their natural parents, legal guardians or custodians when received for regular periods of time for compensation.

CLINIC: An establishment where patients who are not lodged overnight are admitted for examination or treatment by a physician and/or practitioners practicing together.

DETERIORATION: The condition or appearance of a building or part thereof characterized by breaks, holes, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay or neglect or excessive use of or lack of maintenance shall define deterioration.

DRIVE-IN RESTAURANT OR REFRESHMENT STAND: Any place or premises principally used for the sale, dispensing or serving of food, refreshments or beverages in automobiles, including those establishments where customers may

serve themselves and may eat or drink the food, refreshments or beverages on or off the premises.

DWELLING: A dwelling is a building designed or used principally for residential occupancy, including without limitation, single-family dwellings and multiple-family dwellings.

DWELLING, MULTIPLE-FAMILY: A multiple-family dwelling is a building containing three (3) or more dwelling units.

DWELLING, MULTIPLE-USE: A building containing a business, commercial or manufacturing use and one or more dwelling or rooming units.

DWELLING, SINGLE-FAMILY: A single-family dwelling is a building containing one dwelling unit only.

DWELLING TWO-FAMILY: A two-family dwelling is a building containing two (2) dwelling units only.

DWELLING UNIT: A dwelling unit is one or more rooms arranged or designed for the use of one family living together as a single housekeeping unit with cooking, living, sanitary and sleeping facilities in a self-contained unit, so that access to the street in any additional facilities (such as laundry, heating units, etc.) can be gained without passing through any other residential or commercial unit.

ESSENTIAL SERVICES: The erection, alteration or maintenance, by public utilities or Municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities for Municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

EXTERMINATION: Extermination shall mean the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating or trapping; or by any other recognized and legal pest elimination methods approved by the Building Inspector.

FAMILY: One or more persons related by blood, marriage or adoption, together with his/her or their domestic servants, maintaining a common household in a dwelling.

GARAGE, PRIVATE: An accessory building designed or used for the storage of motor driven vehicles owned and used by the occupants of the building to which it is an accessory. Not more than one of the vehicles may be a commercial vehicle exceeding one and one-half (1½) ton capacity.

GARAGE, PUBLIC: A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling or storing motor driven vehicles.

GARBAGE: Wastes resulting from the handling, preparation, cooking and consumption of food, wastes from the handling and storage of produce and paper necessarily used for wrapping.

HABITABLE BUILDING: Any structure or part thereof that shall be used as a home or place of abode by one or more persons shall be defined as a habitable building.

HABITABLE ROOM: Any room meeting the requirements of this Chapter for sleeping, living, cooking or dining purposes, excluding such enclosed places as closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms and similar spaces.

HOME OCCUPATION: Any occupation or activity incidental to residential use, when carried on in the main building by one member of the immediate family residing on the premises, in connection with which there is used no sign other than a non-illuminated name plate not more than one square foot in area or no display used that will indicate from the exterior that the building is being used for any purpose other than that of a dwelling. There is no commodity sold on the premises, no person is employed other than a member of the immediate family residing on the premises, and no mechanical equipment is used except of the type that is similar in character to that normally used for purely domestic or household purposes. Home occupation shall include the use of premises by a physician, surgeon, dentist, lawyer, clergyman, barber, beautician, or other professional person.

HOT WATER: Hot water means water at a temperature of not less than one hundred twenty degrees Fahrenheit (120°F).

HOTEL (MOTEL): An establishment which is open to transient guests, in contradistinction to a boarding house, lodging house or apartment-hotel, and is commonly known as a hotel (motel) in the community in which it is located; and which provides customary hotel services such as mail service, the furnishing and laundering of linen, telephone and secretarial or desk service, the use and upkeep of furniture and bellhop service.

INSTITUTION: A nonprofit corporation or a nonprofit establishment for public use.

JUNKYARD: A lot, land or structure, or part thereof, used primarily for the collection, storage and sale of waste paper, rags, scrap metal or discarded materials or for the collection, storage, dismantling and salvaging of machinery or vehicles not in running condition and for the sale of parts thereof. The term "junkyard" shall include auto wrecking yards.

KENNEL: Any lot or premises on which are kept four (4) or more dogs more than six (6) months of age for compensation or sale.

KITCHEN: A space of not less than seventy (70) square feet and shall mean any room used for the storage and preparation of foods and containing the following equipment: sink or other device for dishwashing, stove or other device for cooking, refrigeration or other device for cool storage of food, cabinets or shelving for storage of equipment and utensils, and counter or table for food preparation. Only one kitchen is allowed per dwelling unit.

LAUNDROMAT: An establishment providing home type washing, drying or ironing machines for hire, to be used by customers on the premises.

LOT: When used alone shall mean a 'zoning lot' unless the context of this Chapter clearly indicates otherwise.

LOT AREA: The total horizontal area included within lot lines.

LOT, CORNER: A lot which has at least two (2) adjacent sides abutting for their full length on a street, provided the interior angle at the intersection of such two (2) sides is less than one hundred thirty five degrees (135°).

LOT, DEPTH: The depth of a lot which shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

LOT FRONTAGE: That dimension of the lot or portion of a lot abutting on a street excluding the side dimension of a corner lot.

LOT, INTERIOR: Any lot other than a corner lot with only one frontage street.

LOT OF RECORD: A lot which is part of a subdivision, the map of which has been recorded in the office of the Recorder of Deeds of Rock Island County; or a parcel of land, the deed of which was recorded in the office of the Recorder of Deeds of Rock Island County prior to the adoption of the Zoning Ordinance as hereinafter defined.

LOT, WIDTH: The width of a lot which shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot. Where side lot lines are not continuously parallel or at right angles to the abutting street, the average of the rear and front widths shall be used.

LOT, ZONING: A single tract of land located within a single block, which (at the time of filing for a building permit) is designated by its owner or developer as tract to be used, developed or built upon as a unit, under single ownership or control, Therefore, a 'zoning lot' may or may not coincide with a 'lot of record'.

MOBILE HOME: A portable or mobile living unit used or designed for human occupancy on a permanent basis. A travel trailer is not to be considered a mobile home.

MOBILE HOME PARK: A parcel of land under single ownership which has been designed or improved or intended to be used or rented for occupancy by one or more mobile homes.

MOTOR COURT OR MOTEL: A building or group of buildings used primarily for the temporary residence of motorists or travelers.

NONCONFORMING USE: Any building or land lawfully occupied by a use at the time of enactment of the Zoning Ordinance as hereinafter defined, which does not conform after passage of the Zoning Ordinance with the use regulations of the district in which it is situated.

OCCUPANT: Occupant shall mean any person living, sleeping, cooking, eating in or having possession or use of a dwelling unit or rooming unit.

OWNER: Any person, firm or corporation which alone, jointly or severally with others, shall be in actual possession of, or have charge, care or control of, any dwelling unit or rooming unit within the Village as owner, employee or agent of the owner, or as trustee or guardian of the estate or person of the title holder, shall be defined as an owner. Any person acting in the capacity of an owner shall be bound to comply with the provisions of this Chapter to the same extent as if such person were the owner.

PERMIT: The words 'permit' and 'license' shall be interchangeable.

PERSON: Includes a corporation, firm, partnership, association, organization or any other group acting as a unit as well as an individual. It shall also include an executor, administrator, trustee or receiver or other representative appointed according to law. Whenever the word 'person' is used in any section of this chapter prescribing a penalty or fine, as to partnerships or associations, the word shall include the officer, agents or members thereof who are responsible for any violation of such Section.

PLANNING AND ZONING BOARD: The Planning and Zoning Board of the Village.

PLUMBING: All of the following facilities and equipment are included in this definition: gas pipes, gas-burning equipment, water pipes, steam pipes, garbage disposal units, waste pipes, toilets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and any other similar fixtures, together with all connections to water, sewer or gas lines.

PRIVACY: The existence of conditions which will permit an individual or individuals to carry out an activity commenced without interruption or interference, either by sight or sound by unwanted individuals.

PROVIDED: Any material furnished, supplied, paid for or under the control of the owner or operator shall be said to be provided.

PUBLIC HALL: A hall, corridor or passageway for egress from a dwelling not within the exclusive control of one family shall be defined as a public hall.

RENTAL HOUSING: Any non-owner-occupied dwelling or dwelling unit in which an occupant may pay an agreed fee to occupy such unit.

ROOMING HOUSE: Any residential building, or any part thereof, containing one dwelling unit, which is let by the owner or operator to more than four (4) persons who do not constitute a family.

ROOMING UNIT: Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

RUBBISH: Combustible or noncombustible waste materials except garbage. The term shall include the residue from the burning of coal, wood, coke, or other combustible materials: paper, rags, cartons, and boxes, wood, excelsior rubber, leather, tree branches, yard trimmings, tinned cans, metals, mineral matter, glass, ceramics, dust or other similar like materials.

SIGN: A name, identification, description, display or illumination which is affixed to, or represented directly or indirectly upon a building, structure or piece of land, and which directs attention to an object, product, activity, person, institution, organization or business. However, a 'sign' shall not include any display of official court or public office notices nor shall it include the flag, emblem or insignia of a nation, political unit, school or religious group.

SIGN, OFF-SITE: A sign other than an 'on-site' sign.

SIGN, ON-SITE: A sign relating in its subject matter to the premises on which it is located or to products, accommodations, services or activities on the premises. On-site signs do not include billboards.

SMOKE DETECTOR: An approved device that senses visible or invisible particles of combustion.

STAIRWAYS: One or more flights of stairs and the necessary landings and platforms connecting them to form a continuous and uninterrupted passage from one floor to another.

STORY: That portion of a building included between the upper surface of any floor and upper surface of the floor next above, or the ceiling or roof next above

such floor; provided that, for the purpose of determining the required dimensions of yards and courts, when the average story height of a building exceeds twelve feet (12'), each twelve feet (12') or fraction thereof of the total building height shall be considered a separate full story or fractional story respectively, except the first story which may be fifteen feet (15') high.

STORY, HALF: A partial story under a gable, hip or gambrel roof, the wall plates of which, on at least two (2) opposite exterior walls are not more than four feet (4') above the floor of such story; provided however, that any partial story used for residence purposes, other than a janitor or caretaker and his/her family, shall be deemed a full story.

STREET: A general term used to describe a public right of way which is twenty feet (20') or more and provides a channel for vehicular and pedestrian movement and may provide for vehicular and pedestrian access to properties adjacent to it, and which may also provide space for the location of utilities, both above and below ground. The word 'street' shall include the meanings of road, highway and thoroughfare.

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

SUBSTANDARD: Substandard shall mean all buildings used for purposes of human habitation which do not conform to the minimum standards established by this Chapter or by any other provisions of this Code or ordinances of the Village.

SUPPLIED: Paid for, furnished or provided by or under the control of the owner or operator.

TRAVEL TRAILER: A vehicular, portable structure built on a chassis designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight feet (8') and a length not to exceed twenty four feet (24').

VILLAGE: The Village of Port Byron

VILLAGE CLERK: The Clerk of the Village of Port Byron

VILLAGE COUNCIL: The Village Board of Trustees.

YARD: A required open space at grade unoccupied and unobstructed by any structure or portion of a structure, other than projections of uncovered steps, uncovered balconies, or uncovered porches, provided, however, that fences, walls, poles, posts and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height and visibility requirements. In measuring a yard for the purpose of determining the width of a

side yard, depth of a front yard or rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

YARD, FRONT: An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.

YARD, REAR: An open space extending the full width of a lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.

YARD, SIDE: An open space extending from the front yard to the rear yard between a building and side lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.

9-2-3: PERMIT REQUIRED:

- A. Required: It shall be unlawful for any person to conduct, keep, manage or operate or cause to be conducted, kept, managed or operated, any duplex, apartment, rooming house, multiple-use dwelling, single-family dwelling, hotel or motel, without a license therefor. Inspections of the same shall be under authority of the appropriate State or Federal agency if such laws apply to them.
- B. Application:
 - 1. Form: A written application for the license or permit required by subsection A above shall be submitted on a form furnished by the Village Clerk's office. Said application shall be filed with the Building Inspector.
 - 2. Required Information: Applications shall accurately state the full name and address of the applicant and the person in whose name such license is to be issued. The full name and address of the owner of the building and premises where such multiple-use dwelling, single-family rental, duplex, apartment, hotel, motel or rooming house is proposed to be carried on, the number of rooms or units in such buildings and which of such rooms in said buildings are to be occupied as sleeping rooms and the number of persons proposed to be accommodated or allowed in each room in a rooming house or multiple-use dwelling or the number of dwelling units in a multiple-family dwelling or multiple-use dwelling.
- C. Inspection: Approval: Upon receipt of the application required by this Chapter, the Building Inspector or the Fire Inspector shall authorize proper inspection if required, and no such permit shall be issued until the Building Inspector has given written approval.
- D. Term: Licenses shall be renewed every (5) five years from the date of initial inspection or upon complaint based inspection.
- E. Transferability: No license issued under this Section shall be transferable. Operating permits are not transferable from one party to another upon the sale of any house, apartment house, multiple-use dwelling, duplex, hotel, motel, or rooming house. At the time of sale of a house, apartment house,

multiple-use dwelling, duplex, hotel, motel, or rooming house, it will be necessary for the new owner to acquire a new permit subject to the same conditions as the original permit. All properties inspected and licensed by State or Federal Agencies are exempt from local transferability requirements.

9-2-4: FEES:

- A. License or Permit Fees: The permit or license required by this Chapter shall be issued, upon approval by the Village Clerk's office. Fees for such permit or license shall be forty dollars (\$40) every five (5) years for each building.
- B. Delinquent Penalty: After renewal due date, there shall be an additional monthly charge of forty dollars (\$40.00), provided that failure to have a license is a violation of subsection 9-2-13A, despite the possibility of a late fee for a license renewal. Notices will be sent 90 days prior to license expiration.
- C. Missed Inspection Appointment Fee: For owners and/or managers who have confirmed appointments and who do not show up for their appointments, a thirty dollar (\$30.00) fee shall be imposed.
- D. Reinspection Fee: Where an inspection reveals defects, deficiencies or noncompliance which precludes approval of the license, thereby forcing or necessitating a reinspection, a fee of thirty dollars (\$30.00) per reinspection may be charged to the license holder. Such fees are separate and apart and in addition to any other fee provided by ordinance.

9-2-5: MINIMUM STANDARDS AND REQUIREMENTS:

The provisions of this Chapter 9-2-5 shall be held to be the minimum requirements with respect to housed, apartments, multiple-use dwellings, duplexes, hotels, motels and rooming houses for the promotion of the public health, safety, comfort, convenience, life and general welfare.

9-2-5-1: MINIMUM STANDARDS:

It shall be unlawful for any person to let or hold out to another for occupancy, any dwelling unit for the purpose of living therein, which is not safe, clean and fit for human occupancy, and which does not comply with the particular requirements of the following:

- A. Foundations, Exterior Walls and Roofs: The foundation, exterior walls and exterior roof shall be substantially watertight and protected against rodents and shall be kept in sound condition and repair. The foundation elements shall adequately support the building at all points. Every exterior wall shall be free of deterioration, holes, breaks, loose or rotting boards or timbers, and any other condition which might admit rain or dampness to the interior portions of the walls or to the exterior spaces of the dwelling. The roof shall be tight and have no defects which admit rain, and roof drainage shall be adequate to prevent rain water from causing dampness in the walls. All cornices, rustications, quoins, moldings, belt courses, lintels, sills, oriels,

- windows, pediments and similar projections shall be kept in good repair and free from cracks and defects which make them hazardous and dangerous.
- B. Floors, Interior Walls and Ceilings: Every floor, interior wall and ceiling shall be adequately protected against the passage and harborage of vermin and rodents, and shall be kept in sound condition and good repair. Every floor shall be free of holes and cracks. Every floor shall be free of loose, warped, protruding or rotting floor boards. Every interior wall and ceiling shall be free of holes and large cracks and shall be maintained in a tight, weatherproof condition. Every interior wall and ceiling shall be free of loose plaster or other structural material. Plaster, paint and all other surface materials shall be of such character as to be easily cleanable, and shall be reasonably smooth, clean and tight. Every toilet room and bathroom floor surface shall be substantially impervious to water and be capable of being maintained easily in a clean and sanitary condition.
- C. Windows, Doors and Hatchways: Every window, exterior door and basement hatchway shall be substantially tight, and shall be kept in sound condition and repair. Every window shall be fully supplied with window panes, which are without cracks or holes. Every window shall be in good condition and shall fit reasonably tight, capable of locking, fastening or otherwise closing in a locked manner, the window from the inside, and every window, other than a fixed window, shall be capable of being opened and held in such an open position by appropriate hardware. Every exterior door, door hinge and door latch shall be in good condition. Every exterior door, when closed, shall fit reasonably within its frame.
- D. Screens: Screens shall be supplied, maintained and installed to the following extent:
1. Every basement or cellar window which is openable shall be supplied with a framed heavy wire screen or hardware cloth of not less than four (4) mesh per inch (1") which fits tightly and which is securely fastened to the frame, or with any other material affording equivalent protection against the entry of rodents.
- E. Stairways and Porches: Every stairway, inside or outside of the dwelling, and every porch shall be kept in safe condition and sound repair. Every flight of stairs and every porch floor shall be free of deterioration. Every stairwell and every flight of stairs which is more than four (4) risers high shall have rails not less than two and one-half feet (2 ½') high, measured vertically from the nose of the tread to the top of the rail; and every porch which is more than four (4) risers high shall have rails not less than two and one-half feet (2 ½') above the floor of the porch. Every rail and balustrade shall be firmly fastened and maintained in good condition. No flight of stairs shall have settled more than one inch (1") out of its intended position or have pulled away from supporting

or adjacent structures. No flight of stairs shall have rotting, loose or deteriorating supports. The treads and risers of every flight of stairs shall be uniform in width and height. Every stair tread shall be strong enough to bear a concentrated load of at least four hundred (400) pounds without danger of breaking. Every porch shall have a sound floor. No porch shall have rotting loose or deteriorating supports.

- F. Basements and Cellars: Every basement and every cellar shall be maintained in a safe and sanitary condition with the required minimum window area entirely aboveground level. The floors and walls must be constructed in a manner to prevent the entry of moisture and must be so insulated so as to prevent the condensation of moisture within the room. Water shall not be permitted to accumulate or to stand on the floor. All sewer connections shall be properly trapped. All cellar and slab drains shall be covered with grating. Junk, rubbish and waste shall not be permitted to accumulate to such an extent as to create fire hazards or to endanger health and safety.
- G. Facilities, Equipment and Chimneys: every supplied facility, fixture, system, piece of equipment or utility and every chimney and chimney flue shall be installed and maintained in a safe, sound and sanitary working condition, consistent with the requirements of this Chapter or the Uniform Building Code as adopted by the Village.
- H. Grading and Drainage of Lots: Every yard, court, vent, passageway, driveway and any other portion of the lot on which the dwelling stands shall be graded and drained so as to prevent the accumulation of stagnant water on any such surface. Driveways shall be maintained in a safe condition, free of safety hazards to the general public.
- I. Infestation: Each dwelling and all exterior appurtenances on the premises shall be adequately protected against rats, mice, termites and other vermin infestation. Remedial steps shall be taken by the owner to correct any problem such as building defects which permit the entrance of rats, mice, termites and vermin.

9-2-5-2: SPACE REQUIREMENTS:

No person shall let another for occupancy, any dwelling unit for the purpose of living therein, which does not comply with the following requirements:

- A. Minimum Floor Area: Every room occupied for sleeping purposes by one occupant shall have a minimum floor area of seventy (70) square feet; every room occupied for sleeping purposes for two (2) occupants shall have a minimum floor area of one hundred (100) square feet; and every room occupied for sleeping purposes by three (3) occupants shall have a minimum

floor area of one hundred fifty (150) square feet and shall contain an additional fifty (50) square feet per each additional person.

- B. Bathroom Access: Every room used as a bedroom shall have access to at least one bathroom that an occupant may enter the bathroom without passing through another room used as a bedroom.

- C. Ceiling Heights: Habitable rooms shall have the following ceiling heights:
 - 1. Basements: Seven feet (7') clear under joists.
 - 2. Main Floor: Any living unit must have seven feet (7') clear for at least seventy five percent (75%) of the floor area.
 - 3. Second Floor: Any living unit must have seven feet (7') clear.
 - 4. Under Sloping Roofs: Ceiling height must be seven feet (7') for not less than fifty percent (50%) of the floor area having four feet six inches (4'6") or more headroom.
 - 5. Exemption: Existing uses at the date of adoption of this Code, which are exempt from this requirement.
 - 6. Exception: Beams and girders or simulated beams and girders, spaced not less than four feet (4') on center, may not project more than six inches (6") below the required ceiling height.

9-2-5-3: ARTIFICIAL ILLUMINATION:

- A. Compliance Required: It shall be unlawful to occupy or permit another to occupy any dwelling unit for the purpose of living therein which is not adequately and safely provided with an electrical system in compliance with the requirements of the National Electrical Code adopted by the Village.

- B. Request for Review: Wherever it is found, in the judgment of the Building Inspector, that the electrical system in the building constitutes a hazard to the occupants of the building by reason of inadequate service, improper fusing, improper or inadequate grounding of the system, insufficient outlets, improper wiring or installation, deterioration or damage or for similar reasons, the Building Inspector shall request a review of said conditions.

- C. Prohibited Installations: In addition to the hazards established by the Building Inspector, the following installations are prohibited and their presence shall be deemed a hazard:
 - 1. Flush or semi-flush mounted floor convenience outlets, unless provided with an approved waterproof cover.
 - 2. Extension cords for other than short-term, temporary use
 - 3. Conductor-supported pendant switches or conductor supported pendant light fixtures.
 - 4. Loose or hanging wires.
 - 5. Frayed or bare wires.

6. Inadequately grounded, grounded-type convenience outlets. (#### Code)

9-2-5-5: HEATING:

- A. Minimum Requirements: Every dwelling unit shall have heating facilities which are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments within its walls to a temperature of at least sixty eight degrees Fahrenheit (68°F) when the outside temperature is ten degrees below zero Fahrenheit (-10°F). Gas appliances designed primarily for cooking or water-heating purposes shall not be considered as heating facilities within the meaning of this Section.
- B. Portable Heating Equipment: Portable heating equipment employing flame and the use of fossil fuels does not meet the requirements of this Section and is prohibitive.
- C. Owner Responsibility: the above shall be the sole responsibility of the owner and failure to provide the foregoing shall be a violation of this Chapter.

9-2-5-6: WATER HEATING FACILITIES:

- A. Minimum Requirements: Every dwelling unit shall have supplied water heating facilities which are properly installed, which are maintained in safe and good working condition, which are properly connected with the hot water lines required under the provisions of this Chapter and which are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than one hundred twenty degrees Fahrenheit (120°F).
- B. Independent from Heating Facilities: Such supplied water heating facilities shall be capable of meeting the requirements of this subsection when the dwelling or dwelling unit or rooming unit heating facilities required under the provisions of Section 9-2-5-5 of this Chapter are not in operation.
- C. Owner Responsibility: The above shall be the sole responsibility of the owner and failure to provide the foregoing shall be a violation of this Chapter.

9-2-5-7: VENTILATION:

- A. Generally: Every habitable room shall have a ventilation system adequate for the purpose for which the room is used. Natural ventilation shall be deemed to be adequate for habitation when the total area openable to the outside air (by means of windows, louvers, monitors or other direct openings excluding doors) is five percent (5%) of the floor area of the habitable room, except that when:
 1. Any portion of the room is more than sixteen feet (16') from a required opening; the aggregate clear area of openings shall be not less than six percent (6%).

2. A room has openable areas on two (2) or more sides thereof, the total openable area shall be at least four percent (4%) of the total floor area of such room.
 3. The openable area faces a wall or other obstruction at a distance of less than ten feet (10'), the effective area shall be computed at not more than eighty percent (80%) of the actual openable area.
 4. The openable area opens onto an enclosed porch; the enclosed porch shall have an openable area of at least three (3) times the total required area of the openings onto such porch.
- B. Kitchen With Floor Area Of Less Than Seventy Square Feet: A kitchen with a floor area of less than seventy (70) square feet may be without either mechanical or natural ventilation if there is an opening of not less than thirty two (32) square feet between the kitchen and another room in the same family unit and if the room into which the kitchen opens has the ventilation requirements of subsection A above.
- C. Toilet And Bathroom: Every toilet room and bathroom shall have adequate ventilation which may be either an openable window with an openable area of five percent (5%) of the floor area, mechanical ventilation in compliance with the foregoing requirements of this Section, or a gravity vent flue constructed with incombustible material leading to the roof of the building or a combination of any of these. The gravity vent shall be computed at an aggregate clear area of not less than five percent (5%) of the floor area of the room with a minimum area of at least one hundred twenty (120) square inches. Gravity vents shall be provided with a weather cap, directional vane or rotary-type ventilation on tile roof.

9-2-5-8: SINKS:

- A. Kitchen Sink: Every dwelling unit shall contain a kitchen sink in good repair, free of chips, cracks or other defects which may be a sanitary hazard, and it shall be in working condition, properly connected to a water and sewer system approved by the Building Inspector.
- B. Hot and Cold Water: Every kitchen sink, lavatory basin and bathtub or shower required under the provisions of this Chapter shall be properly connected with both hot and cold water lines.

9-2-5-9: BATHROOMS:

- A. Required: Every dwelling unit shall contain a bathroom which affords privacy to a person within said room and which is equipped with a flush water closet, a tub or shower, and a lavatory basin.
- B. Additional Facilities: Every dwelling unit with more than eight (8) occupants shall contain additional bathroom facilities at the rate of one for each additional six (6) occupants or fraction thereof. This requirement shall be mandatory in all dwelling units.
- C. Fixtures: All fixtures shall be in good repair and in working condition, properly connected to the public water system and to a public sewer system.

9-2-5-10: OUTSIDE REQUIREMENTS:

- A. Wood Exteriors: All exterior wood surfaces on all dwellings shall be reasonably protected from the elements and against decay by a suitable protective material and must conform with requirements set forth in the Uniform Building Code as adopted by the City governing exterior weather board and veneers.
- B. Garages, Tool Sheds, Outbuildings: All garages, tool sheds and all other outbuildings shall be kept in good repair so as not to be unsafe or become a harborage for rats and other rodents.

9-2-5-11: REFUSE, GARBAGE AND RUBBISH:

Every dwelling unit shall have adequate refuse, garbage or rubbish storage facilities provided by the owner of said premises. These facilities shall comply with the health and garbage ordinances of the City.

9-2-5-12: DUAL EGRESS:

All dwelling or rooming units in multiple-family dwellings, multiple-use dwellings, duplexes and rooming houses shall be provided with two (2) separate useable, unobstructed means of egress for each dwelling or dwelling unit. The exit facilities from such dwelling or rooming units shall lead to a public thoroughfare, either directly or through a court or yard and passage to such exits shall not lead through another dwelling or rooming unit or through a space that might be locked.

9-2-5-13: ACCESSORY STRUCTURES:

- A. Accessory structures shall not obstruct light and air of doors and windows of any dwelling unit, or obstruct a safe means of access to any dwelling unit or create fire and safety hazards or provide rat or vermin harborage. Accessory structures shall be functional and shall be maintained in a state of good repair and alignment.
- B. All exterior appurtenances or accessory structures which serve no useful purpose and which are in a deteriorated condition which is not economically repairable, shall be removed. Such structures include porches, terraces, entrance platforms, garages, driveways, carports, walls, fences and miscellaneous sheds.

9-2-5-14: NUMBER OF ROOMS LIMITED BY ZONING TITLE:

Rooming houses, duplex, apartment and multiple-use dwellings shall contain not more than the number of dwelling or rooming units authorized by the Building Inspector, nor shall any rooming or dwelling unit be occupied by more than the number of persons which the Building Inspector permits to occupy such a unit.

9-2-6: OWNER'S RESPONSIBILITIES:

The owner of a multiple-use dwelling, multiple-family dwelling, two-family dwelling, single-family dwelling, hotel or motel has the duty and responsibility to do or cause to be done the following:

- A. Maintenance of Grounds: To cut, mow, trim and maintain all grass, weeds and other ground cover in such a way that it does not exceed eight inches (8") in height.
- B. Garbage: To provide and maintain receptacles for the collection and disposal of garbage, refuse and debris and similar material of sufficient size and in sufficient quantity to accommodate the refuse reasonably expected from the occupants of the premises and to provide for the collection and disposal of the contents thereof.
- C. Maintenance: To maintain in operable condition or otherwise in a manner required by law or ordinance all fixtures, equipment and appurtenances installed in or provided with the premises.
- D. Screens and Screen Doors: To install and maintain screens and screen doors in accordance with subsection 9-2-5-1D of this Chapter.
- E. Applications and Permits: To file all applications and obtain all required permits and to pay any and all fees required in connection with the operation of the respective establishments per Section 9-2-3 of this Chapter.
- F. Parking Areas and Driveways: To install and maintain all parking areas and driveways.
- G. Street Numbers: To affix and maintain on the front of the establishment, street numbers of not less than four inches (4") in height and of a color contrasting with that of the area to which it is affixed.
- H. Smoke Detectors: To install smoke detectors.

1. Definition: The term "smoke detectors" is defined as an approved device that senses visible or invisible particles of combustion.

2. Sleeping Rooms: Smoke detectors are required within each sleeping room of a dwelling unit. The detectors placed in sleeping rooms are in addition to those required in other locations. Placing smoke detectors within each room will provide the early warning that occupants of the room need when a fire begins within the sleeping room. Section 1210(a) of the Uniform Building Code states, "in dwelling units, a detector shall be installed in each sleeping room and at a point centrally located in the corridor (hallway) or area giving access to each separate sleeping area (room)".

3. Multiple Stories: When the dwelling unit has more than one story and in dwellings with basements, a detector shall be installed on each story and in the basement.

4. Split Levels: In dwelling units where a story or basement is split into two (2) or more levels, the smoke detector shall be installed on the upper level except that when the lower level contains a sleeping area, a detector shall be placed at the ceiling of the upper level in close proximity to the stairway.

5. Sound Of Alarm: Detectors shall sound an alarm audible in all sleeping areas of the dwelling unit in which they are located.

6. Addition, Alteration, and Repair: When the valuation of an addition, alteration or repair exceeds two thousand dollars (\$2,000.00) or when one or more sleeping rooms are added or created in existing dwellings, the entire building shall be provided with smoke detectors located as required for new dwellings.

I. Maintenance: To maintain all installed smoke detector devices in operable condition.

J. Compliance Required: To operate and maintain the establishment in complete compliance with all codes of the Village.

9-2-7: OCCUPANT'S RESPONSIBILITIES:

Every occupant of a multi-use dwelling, multiple-family dwelling, two-family dwelling, single-family dwelling, hotel or motel and rooming house shall be responsible for the following as applied to the portion of the living unit that they occupy or have access to:

A. Reasonable Care; Proper Use: To exercise reasonable care and make proper use of the living unit and its facilities.

B. Clean and Sanitary: To keep the occupied area and all plumbing equipment and cooking facilities and any other equipment or facilities that are provided operating in a clean and sanitary fashion.

C. Rubbish and Garbage: To dispose of rubbish and garbage or to store such waste in the proper containers as provided by the owners in a neat and sanitary manner.

D. Compliance Required: To operate and maintain the living unit in complete compliance with all codes of the City.

9-2-8: INSPECTION:

A. Authority to Inspect: The Building Inspector is authorized and directed to make inspections to determine whether dwellings, dwelling units, rooming units, accessory structures and premises, hotels and motels located within this Village conform to requirements of this Chapter and other applicable Chapters of the Village Code.

B. Right of Entry:

1. Free Access: For the purpose of making such inspections, the Building Inspector is authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units, accessory structures and premises, hotels and motels. The owner or occupant of every dwelling, dwelling unit, rooming unit, accessory structure and its premises, hotels and motels shall grant the Building Inspector access thereto at a mutually agreed time within one month for the purpose of such inspection, examination and survey.

2. Denied Access: In the event the owner or occupant shall refuse access to any premises, then the Building Inspector shall have authority to enter any of such premises after written notice has been given to the owner, occupant or his/her agent.

9-2-9: NONCOMPLIANCE:

A. Notice Of Violation: Whenever the Building Inspector determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter, the Building Inspector will give notice of such alleged violation to the person responsible therefor, which shall:

1. Be in writing;
2. Contain a statement of the reason for which it is being issued;
3. Contain an outline of remedial action, which if taken, will effect compliance with the provisions of this Chapter;
4. Allow a reasonable time for the performance of any act which it requires;

B. Service of Notice; Posting: Such notice shall be served upon the owner or owner's agent, or the occupant, as the case may require. Such notice shall be deemed to be properly served upon such owner or agent, or upon any such occupant if a copy thereof is:

1. Served upon the owner, owner's agent or occupant personally; or
2. Sent by certified mail, postage prepaid, to such owner, owner's agent, or occupant's last known address; or
3. Posted in a conspicuous place in or about the dwelling affected by notice.

9-2-10: CONDEMNATION AND DEMOLITION:

The designation of dwellings, dwelling units, rooming units, hotels, and motels as unfit for human habitation and the procedure for the condemnation, placarding and demolition of such unfit dwellings, dwelling units, rooming units, hotels and motels shall be carried out in compliance with the following requirements.

9-2-10-1: PLACARD ON BUILDING:

The designation of dwellings, dwelling units, rooming units, hotels, or motels, as unfit for human habitation and the procedure for such declaration and placarding is as follows:

A. Any dwelling, dwelling unit, rooming unit, hotel or motel which shall be found to have any of the following defects shall be declared unfit for human habitation and shall be so designated and placarded by the Building Inspector: Dwellings under Federal Housing Authority (HUD) fall under their guidelines.

1. One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin infested that it creates a serious hazard to the health and safety of the occupants or of the public.

2. One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
3. One which because of its general condition or location is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public.
4. Where the person responsible has failed to correct, in a timely manner, the condition described in a notice issued in accordance with Section 9-2-9 of this Chapter.

9-2-10-2: VACATION OF BUILDING:

- A. Time Limitation: Any dwelling, dwelling unit, rooming unit, hotel or motel condemned as unfit for human habitation, and so designated and placarded by the Building Inspector shall be vacated within a reasonable time, not to exceed sixty (60) days, as ordered by the Building Inspector.
- B. Rehabilitation: No dwelling, dwelling unit, rooming unit, hotel or motel which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from and such placard is removed by the Building Inspector or Fire Inspector. The Inspector shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.
- C. Court Order: Where a dwelling, dwelling unit, rooming unit, hotel or motel is condemned and placarded as unfit for human habitation, and is not vacated within time specified in such vacation order, the Building Inspector or Fire Inspector shall seek a court order in a court of competent jurisdiction for the vacation of such dwelling, dwelling unit, rooming unit, hotel or motel

9-2-10-3: REMOVAL OF PLACARD PROHIBITED:

No person shall deface or remove the placard from any dwelling, dwelling unit, rooming unit, hotel or motel which has been condemned as unfit for human habitation and placarded as such, except as provided in Section 9-2-10-2 above.

9-2-10-4: RIGHT OF APPEAL:

- A. Notice Of Appeal: Any person affected by any notice or order relating to the condemnation or placarding of a dwelling, dwelling unit, rooming unit, hotel or motel as unfit for human habitation, or any interpretation of this Chapter, may appeal and request in writing, within ten (10) days of such notice, and have the right to a hearing before the Zoning Board of Appeals in the manner described in code.
- B. Hearing: Upon receipt of such notice of appeal, a hearing shall be held and decision rendered.
- C. Stay Of Proceedings: Any such appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector or Fire Inspector shall certify to the Zoning Board of Appeals subsequent to the filing of any notice of appeal that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by order of a court of competent jurisdiction.

9-2-10-5: NONCOMPLIANCE; REMEDY OF DEFECTS:

- A. Time Limitations: The owner of any building shall have the period of time specified in the letter of notice required to be sent by subsection 9-2-9A of this Chapter, in which to remedy the condition therein described, except when an emergency situation requires immediate action, as provided in Section 9-2-12 of this Chapter. The Building Inspector or Fire Inspector may extend the time for compliance with any such notice.
- B. Failure to Comply: It shall be unlawful for any person to fail to comply with any order of the Building Inspector or Fire Inspector contained in a notice described in Section 9-2-9 or Section 9-2-12 of this Chapter.

9-2-10-6: CONDEMNED BUILDINGS:

A. Removal by Owner:

- 1. Order to Demolish: A dwelling, dwelling unit, rooming unit, hotel or motel which subject to condemnation and placarding as unfit for human habitation may be ordered demolished by the Building Inspector if it is determined by the Building Inspector that such defects upon which the condemnation order is based cannot be economically remedied.
- 2. Demolition: Demolition according to requirements listed below may be required of the owner within a reasonable period of time, said period of time to be not less than thirty (30) days after notice is served on said owner. Such demolition shall have the effect of fulfilling the requirements of removing defects if the dwelling structure is razed to ground level and any subsurface area is filled with solid material to ground level.

B. Removal by City: A dwelling, dwelling unit, rooming unit, hotel or motel which has been condemned as unfit for human habitation and ordered demolished and which has not been demolished by the owner within the time specified in such demolition order, may be demolished at the expense of the owner, according to the following procedure:

- 1. In accordance with the provisions of the Uniform Code for the Abatement of Dangerous Buildings and pursuant to 65 Illinois Compiled Statutes 5/11-31-1, the corporate authorities shall apply to the Circuit Court of Rock Island County for an order authorizing the demolition of said dwelling, dwelling unit, rooming unit, hotel or motel unfit for human habitation.
- 2. After order of demolition is entered in the Circuit Court of Rock Island County, the corporate authorities shall then proceed to demolish said building or dwelling, dwelling unit, hotel or motel, or rooming house at the owner's expense.
- 3. Cost of Removal; Lien: All expenses incurred, including attorney fees, shall be the responsibility of the owner of record, and said expenses, including attorney fees, shall further be a lien on the real estate.

C .Accessory Buildings: All accessory buildings must be removed at the time of removal of the principal building.

9-2-10-7: VACATED BUILDINGS MADE SECURE:

The owner of every dwelling, dwelling unit, rooming unit, hotel or motel which is declared unfit for human habitation or for continued occupancy shall make the dwelling unit, rooming unit, dwelling, hotel or motel, safe and secure under the terms so that it shall not be dangerous to human life and shall not constitute a fire hazard or public nuisance. Any such vacant dwelling, dwelling unit, rooming unit, hotel or motel, open at doors or windows, if unguarded, shall be deemed to be dangerous to human life as a fire hazard and as a public nuisance with the meaning of this provision.

9-2-11: BROKEN GLASS; BOARDING UP:

A. Broken Glass; Replacement: Every window, glazed exterior door, exterior transom or exterior sidelight, shall be provided with properly installed glass or other approved glazing material. In the event of breakage, the owner shall cause the immediate removal of broken glass from the premises and shall temporarily board up the affected openings with suitable material to provide protection from the elements and to prevent entry of insects, birds or animals and to provide security to occupants or contents of the building.

B. Ventilation; Lighting: Adequate ventilation and artificial lighting shall be provided for all occupied dwellings, dwelling units, rooming units, hotels or motels.

C. Notice To Repair: Whenever any exterior openings are found boarded up, it shall be the duty of the Building Inspector to notify the owner or agent of this requirement by giving the owner or owner's agent a period of not more than ten (10) working days in which to properly replace the broken glass, or the dwelling unit, rooming unit, dwelling, hotel or motel shall be vacated. This notice shall be given in the manner required by Section 9-2-9, and it shall be unlawful for any owner or agent to fail to comply with the order of the Building Inspector contained in such notice.

D. Boarding Up:

1. Specifications: Since the presence of boarded up buildings, particularly those where the boarding is unpainted or applied in an insecure, careless or unpresentable fashion, invites vandalism and creates a blighting influence which adversely affects the general welfare of the people of this City, it is hereby required that all boarding up of exterior openings be accomplished in a neat, workmanlike manner, with not less than one-half inch ($\frac{1}{2}$ ") thick, weather resistant plywood cut to fit within openings, fastened in place as securely as possible and suitably coated with an appropriate neutral color blending with or harmonizing with the exterior colors of the building as inconspicuously as possible.
2. Notice Of Noncompliance: It shall be the duty of the Building Inspector to notify the owner or agent of any boarded up dwelling, dwelling unit, rooming unit, hotel or motel not complying with the above

requirements, of the necessity of compliance by giving the owner or agent a period of not more than ten (10) working days in which to replace the broken glass, or in which to repair, replace or paint the boarding. This notice shall be given in the manner required in Section 9-2-9, and it shall be unlawful for any owner or agent to fail to comply with the order of the Building Inspector contained in such notice.

9-2-12: EMERGENCY MEASURES:

- A. Revocation Of Permit; Order To Vacate: When any dwelling unit, rooming unit, dwelling, hotel or motel, has become so damaged by fire, wind or other causes, or has become so unsafe, unhealthful or unsanitary, that in the opinion of the Building Inspector, life or health is immediately endangered by the occupation of the dwelling, dwelling unit, rooming unit, hotel or motel, the Building Inspector is hereby authorized and empowered to revoke without notice, any occupancy permits for such dwellings, dwelling units, rooming units, hotels or motels, and to order and require the occupants to vacate the same forthwith and to order the owner or agent to proceed immediately with the corrective work and repairs required to make the dwelling, dwelling units, rooming unit, hotel or motel temporarily safe and fit for human habitation, whether or not a notice of violation has been given as described in this Chapter, and whether or not legal procedures described by ordinances of the City have been instituted.
- B. Failure to Comply: It shall be unlawful for any person to fail to comply with any emergency order of the Building Inspector.
- C. Declaration Of Emergency: Whenever the Building Inspector finds that an emergency exists which requires immediate action to protect the health and safety of the residents or of the public, the Building Inspector may issue an order citing the existence of an emergency and requiring immediate action to be taken as deemed necessary to meet the emergency. Notwithstanding other provisions of this Chapter, such order shall take effect immediately.

9-2-13: PENALTY:

- A. Violation Declared Nuisance: The existence or use of any rooming house, duplex, apartment, single-family dwelling, multiple-use dwelling, hotel or motel as defined in this Chapter in violation of any provision of this Chapter is hereby declared to be and shall constitute a public nuisance.
- B. Violation; Penalty: Any owner, lessee, agent, tenant or other person who shall violate any of the provisions of this Chapter, upon being found guilty, shall be subject to penalty for each violation.
- C. Continuing Violation: Each day that any such violation or failure continues shall be considered a separate and distinct offense and shall be punishable as such. Owners and Tenants are expected to maintain compliance with requirements of this code. Owners shall be given no less than one month and no more than three months to come under compliance in cases where an eviction has occurred.