

ORDINANCE NO. 2018 - 1562

**AN ORDINANCE AMENDING TITLE 9 OF THE VILLAGE CODE
OF THE VILLAGE OF PEORIA HEIGHTS FOR THE PURPOSE
OF ADDING A NEW CHAPTER 8B ESTABLISHING STANDARDS
FOR RESIDENTIAL HOUSING WITHIN THE VILLAGE**

WHEREAS, it is in the best interests of the Village and its citizens to promote the safety and habitability of residential property in the Village through the establishment of standards for the maintenance of such property; and

WHEREAS, the Village through the exercise of its home rule powers has the authority to approve the regulations hereinafter set forth;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF PEORIA HEIGHTS, PEORIA COUNTY, ILLINOIS, THAT:

Section 1. Title 9 of the Village Code of the Village of Peoria Heights is hereby amended by the addition thereto of new Chapter 8B establishing standards for the maintenance of residential property within the Village which shall read as follows:

Chapter 8B

STANDARDS FOR RESIDENTIAL PROPERTY IN THE VILLAGE

9-8B-1: Intent and purpose.

Because dwellings which are substandard in one or more important features of structure, equipment, maintenance or occupancy adversely affect public health and safety, this chapter is hereby adopted to provide for the establishment and enforcement of minimum housing standards and to promote the adequate protection of the public health, safety and welfare.

9-8B-2: Scope of chapter.

This chapter is applicable to occupancy for residential purposes of any building or structure which has been built, altered or converted so as to be occupied for residential purposes. The requirements imposed by this chapter shall be in addition to the other applicable requirements for existing buildings imposed elsewhere by the Village Code.

9-8B-3: Effect of chapter on other regulations.

In any case where a provision of this chapter is found to be in conflict with any provisions of any zoning, building, fire prevention, property maintenance, safety or health regulations of the Village Code, the provisions which establish the higher standard for the promotion and protection of health and safety shall prevail.

9-8B-4: Right of owner to enter buildings to make repairs.

Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of the premises occupied by him, at all reasonable times, for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter.

9-8B-5: Definitions.

For the purposes of this chapter: Whenever the words, "dwelling," "dwelling unit" or "premises," are used herein, they shall be construed as though they were followed by the words "or any part thereof."

Approved. In accordance with this chapter.

Basement. A portion (story or level) of a building or structure partly underground but having less than one-half (1/2) of its clear floor-to-ceiling height below the average grade of the adjoining ground.

Building code. The building and property maintenance codes of the Village, as set forth in Title 9 of the Building Code and the health, sanitation and environmental regulations set forth at Title 5 of the Building Code.

Cellar. A portion of any dwelling located partly underground but having more than one-half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

Dwelling. Any building which is wholly or partly used or intended to be used for living or sleeping by human occupants; provided, that temporary housing as hereinafter defined shall not be regarded as a dwelling.

Dwelling unit. Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

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

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

Habitable room. An enclosed floor space used or to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, pantries, kitchenettes and utility rooms of less than fifty (50) square feet of floor space, foyers or connecting corridors, stairways, closets, storage spaces and workshops, lobby and recreation area in unheated or uninsulated parts of structures below ground level or in attics.

Housing inspector. The representative of the Village appointed pursuant to _____.

Infestation. The presence, within or around a dwelling, of any insects, rodents or other pests.

Occupant. Any person including an owner or operator living and sleeping in a dwelling unit.

Openable area. The part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Operator. Any person having charge, care, management or control of any dwelling or part of it in which dwelling units are let.

Owner. Includes the owner, his agent for the purpose of managing, controlling or collecting rents, any other person managing or controlling a building

or premises, and any person entitled to the control or direction of the management or disposition of a building or premises.

Plumbing. Water-heating facilities, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clotheswashing machines, catch basins, drains, vents and other similar supplied fixtures, together with all connections to water or sewer lines.

Rubbish. Any combustible and noncombustible waste material, except garbage; and the term shall include the residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery and dust.

9-8B-6: Scope of section.

No person shall occupy as owner-occupant or shall let to another for occupancy any dwelling unit which does not comply with the minimum standards for basic equipment and facilities set forth in this chapter 8B.

9-8B-7: Dwelling units.

Every dwelling unit shall contain within its walls:

(A) *Lavatory facilities.* A room, separate from the habitable rooms, which affords privacy and which is equipped with a flush water closet.

(B) *Basin.* A lavatory basin located in the same room as the required flush water closet.

(C) *Bathtub or shower.* A room, separate from the habitable rooms, which affords privacy to a person in the room and which is equipped with a bathtub or shower.

(D) *Kitchen sink.* A kitchen sink in good working condition and properly connected to an approved water supply system which provides at all times heated and unheated running water under pressure and which is connected to an approved plumbing and sewerage system.

(E) *Cabinets and shelves.* Cabinets and shelves, or both, for the storage of eating, drinking and cooking equipment and utensils and of food that does not under ordinary maximum summer temperature require refrigeration for safe keeping; and a counter or table for food preparation. Cabinets, shelves, counters and tables shall be adequate for the occupants of the dwelling or dwelling unit and shall be of sound construction with surfaces that are easily cleaned and do not impart any toxic or deleterious effect to food.

(F) *Cooking stove (range) and refrigerator.* A cooking stove or range for cooking food, and a refrigerator for the safe storage of food at temperatures less than forty five (45) degrees F. but more than thirty two (32) degrees F. under ordinary maximum temperatures, installed with all necessary connections for safe, sanitary and efficient operation. A stove or range and refrigerator need not be installed when a dwelling unit is not occupied and when the tenant has agreed to provide his own, on occupancy. In any event, sufficient space and adequate connections for the safe installation and operation of the stove or range and refrigerator shall be provided by the owner.

(G) *Exterior door locks.* Each exterior door of the dwelling or dwelling unit shall be of approved construction and material and equipped with an effective locking device. At least one exterior door must be able to be locked and unlocked from the outside of the dwelling or dwelling unit.

9-8B-8: Water line connections.

(A) Every kitchen sink, lavatory, basin and bathtub or shower required shall be properly connected with both hot and cold water lines. The hot water lines shall be connected with supplied water-heating facilities 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, and bathtub or shower at a temperature of not less than one hundred twenty (20) degrees F. even when the heating facilities required are not in operation.

(B) All plumbing fixtures required by this section shall be properly connected to an approved water system and to an approved sewerage system.

9-8B-9: Rubbish collection.

Every multi-family dwelling shall have approved common garbage and rubbish storage and disposal facilities.

9-8B-10: Exit requirements.

Every dwelling unit and rooming unit shall have safe unobstructed means of egress leading to safe and open space at ground level.

9-8B-11: Gas-fired appliances.

All gas-fired heating, cooking and other appliances and gas-fired water heaters shall conform to the requirements of the Building Code concerning installation, vents and flues.

9-8B-12: Scope of section.

No person shall occupy as owner-occupant or shall let to another for occupancy and dwelling any dwelling unit which does not comply with the minimum standards for ventilation, light and heating as set forth in this Chapter 8B.

9-8B-13: Windows and openable space.

(A) *Habitable rooms.* Every habitable room shall have at least one window or skylight which can easily be opened and which faces directly to the outdoors. The minimum area for such room shall be ten (10) percent of the floor area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least fifteen (15) percent of total floor area of such room.

(B) *Adequate ventilation.* Every habitable room shall have at least one window or skylight which can be easily opened, or such other device as will adequately ventilate the room. The total of openable window area in every habitable room shall be equal to at least forty (40) percent of the minimum window area size or minimum skylight-type window size, as required in the preceding subparagraph, except where there is supplied some other device affording adequate ventilation and approved by the Housing Inspector.

(C) *Bathrooms.* Every bathroom and water closet compartment shall have at least one window facing to the outdoors and having a minimum openable area of ten (10) percent of the floor area of such room except where there is supplied some other device affording adequate ventilation and approved by the Housing Inspector.

(D) *Insufficient air space.* Whenever a window of a room faces a wall or other portion of any abutting structure which is located less than three (3) feet

from the window and extends to a level above that of the ceiling of the room, the window shall not be counted in calculating window area or openable area.

(E) *Gas burning water heater.* Every gas burning water heater shall be vented to a chimney or other venting device leading to outdoor space. No gas burning water heater shall be located in any bathroom, bedroom or any occupied room normally kept closed. There shall be installed on all water heaters an approved combination temperature and pressure relief valve. All water heating appliances shall be properly installed and maintained according to this Code.

9-8B-14: Lighting.

(A) *Habitable room.* Every habitable room shall contain at least two (2) separate floor or wall-type electric convenience outlets or one such convenience outlet and one supplied ceiling-type electric light fixture. Every kitchen or kitchen area shall contain at least three (3) separate floor or wall-type electric convenience outlets, or two (2) such convenience outlets and one supplied ceiling-type electric light fixture.

(B) *Bathrooms, utility rooms.* Every water closet compartment, bathroom, laundry room and furnace room, shall contain at least one supplied ceiling or wall-type electric light fixture and at least one separate wall-type electric convenience outlet.

(C) Every hallway in a dwelling shall contain at least one supplied ceiling or wall-type electric light fixture.

(D) Every hallway and stairway in every multi-family dwelling shall be adequately lighted at all times, except that in a two-family dwelling an adequate lighting system which may be turned on when needed by conveniently located light switches shall be permitted instead of a full time lighting system.

(E) *Standards for installation.* Every outlet and fixture shall be properly installed and maintained in good and safe working condition.

9-8B-15: Heating.

Every dwelling 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 seventy (70) degrees F. at a distance of eighteen (18) inches above floor level when the outside temperature is minus eleven (11) degrees F.

Gas Heaters. Portable heating equipment employing a flame and heating equipment using gasoline or kerosene do not meet the standards of this chapter and are prohibited.

9-8B-16: Screens.

(A) Every basement or cellar window which is openable shall be supplied with a heavy wire screen or hardware cloth of not less than four (4) mesh per inch which fits tightly and is securely fastened to the frame, or with any other material affording equivalent protection against the entry of rodents.

(B) From April 15 to November 15 of each year, every door opening directly from any dwelling unit to the outdoors, and every window or other outside opening used for ventilation purposes, shall be supplied with a screen of not less than sixteen (16) mesh per inch and every screen shall have a spring or other self-closing device in good working condition.

9-8B-17: Cooking equipment.

(A) Every piece of cooking equipment shall be so constructed and installed that it will function safely and effectively and shall be maintained in sound working condition.

(B) Portable cooking equipment employing flame and cooking equipment using gasoline or kerosene as fuel for cooking are prohibited.

9-8B-18: Habitable floor area.

Every dwelling unit shall contain at least one hundred fifty (150) square feet of habitable floor area for the first occupant, and at least one hundred (100) square feet of additional habitable floor area for each additional occupant.

9-8B-19: Sleeping rooms.

In every dwelling unit and in every room occupied for sleeping purposes by one occupant, the room shall contain at least one hundred ten (110) square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least fifty (50) square feet of floor space for each occupant in addition thereto. Each unit shall also contain at least four (4) square feet of closet space per occupant of an unobstructed height of at least five (5) feet.

9-8B-20: Calculation of habitable floor area.

Habitable floor area is that area within the perimeter of the space of a habitable room. The ceiling heights of any habitable room shall be at least seven (7) feet six (6) inches, except that in any habitable room under a sloping ceiling at least one-half of the floor area shall have a ceiling height of at least seven (7) feet, and floor area of that part of such room where the ceiling height is less than five (5) feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy.

9-8B-21: Basements.

No basement shall be used for living purposes unless:

(A) The floor and walls are of waterproof construction.

(B) The total window area, total openable area and ceiling height are in accordance with section 9-8B-13 of this chapter, except when some other devices as approved by the Housing Inspector affording adequate ventilation and humidity control are supplied and which are capable of supplying outside air at a rate of not less than ten (10) cubic feet per minute per occupant.

(C) The required minimum window area of every habitable room is entirely above the grade of the ground adjoining such window area, not including stairwells or access ways.

9-8B-22: Privacy of access to bathroom and bedroom.

No dwelling unit containing two (2) or more sleeping rooms shall have such a room arrangement that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall a room

arrangement be such that access to a sleeping room can be had only by going through another sleeping room. A bathroom or water closet compartment shall not be used as a passageway.

9-8B-23: Cellar occupancy.

No space within a dwelling unit which has more than one-half of its clear floor-to-ceiling height below the average grade of the adjoining ground shall be used as a habitable room or dwelling unit.

9-8B-24: Foundations, exterior walls, roofs.

Every foundation, exterior wall and exterior roof shall be substantially weather tight, watertight and rodent proof; shall be kept in sound condition and repair; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon. (All exterior walls of residentially zoned buildings not including accessory buildings, shall contain at least three and one-half inches of insulation. Such insulation shall be made from fiberglass, mineral wool, plastic foam or cellulose fiber or other suitable material shall have a total R [resistance] rating factor of at least eleven [11].)

9-8B-25: Floors, interior walls, ceilings.

Every floor, interior wall and ceiling shall be substantially rodent proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon. (The uppermost interior ceilings of residentially zoned buildings not including accessory buildings, shall contain at least six (6) inches of insulation. Such insulation shall be made from fiberglass, mineral wool, plastic foam or cellulose fiber or other suitable material shall have a total R [resistance] rating factor of at least nineteen [19].)

9-8B-26: Windows, exterior doors.

Every window, exterior door and basement or cellar door and hatchway shall be substantially watertight and rodent proof; and shall be kept in sound working condition and good repair.

9-8B-27: Stairways, porches.

Every inside and outside stair, porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.

9-8B-28: Plumbing fixtures.

Every plumbing fixture shall be properly installed and maintained in sound mechanical condition free from defects, leaks and obstructions and in accordance with the Building Code.

9-8B-29: Bathroom floor surfaces.

Every water closet compartment floor surface and bathroom floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

9-8B-30: Maintenance of required equipment and utilities.

Every supplied facility, piece of equipment or utility, which is required, and every chimney and smokepipe shall be so constructed and installed that it will function safely and effectively, and shall be maintained in sound working condition.

9-8B-31: Sanitation.

(A) Every occupant of a dwelling or dwelling unit shall maintain in a clean and sanitary condition that part of the dwelling or dwelling unit-and yard which he occupies and controls; and shall be responsible for his own misuse of areas and facilities available in common.

(B) Every owner or operator of a two-family dwelling, multi-family dwelling or rooming house shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and yard.

(C) Every occupant of a dwelling unit shall keep all supplied facilities, including plumbing fixtures and cooking equipment, in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in their proper use and operation.

9-8B-32: Removal of waste matter.

Every occupant of a dwelling unit shall dispose of all rubbish, ashes, garbage and other organic waste in a clean and sanitary manner by placing it in approved storage or disposal facilities which are safe and sanitary. Every occupant shall provide such facilities for and within his dwelling unit and shall maintain them in a clean and sanitary manner. The owner or operator of a multi-family dwelling shall be responsible for the clean and sanitary maintenance of common storage or disposal facilities. He shall be responsible further for placing out for collection all common garbage and rubbish containers except where such facilities are for the sole use of an occupant, under which circumstances it shall be the responsibility of the occupant to place these containers out for collection. It shall be the responsibility of the owner to supply such facilities or containers for all dwelling units in a dwelling containing more than two (2) dwelling units for all dwelling units located on premises where more than two (2) dwelling units share the same premises. In all other cases it shall be the responsibility of the occupant to furnish such facilities or containers.

9-8B-33: Extermination.

(A) Every occupant of a dwelling unit shall be responsible for the extermination of any insects, rodents or other pests in it. In a two-family dwelling or a multi-family dwelling the occupant shall be responsible for such extermination whenever his dwelling unit is the only one infested. When, however, infestation is caused by failure of the owner or operator to maintain a dwelling in a rodent-proof condition, extermination shall be the responsibility of the owner or operator.

(B) Every owner or operator shall be responsible for extermination of any insects, rodents or other pests whenever infestation exists in two (2) or more of the dwelling units in any dwelling or in the shared or public areas of any two-family dwelling or any multi-family dwelling.

9-8B-34: Heat.

During the time of the year when it is necessary as determined by the Housing Inspector, every owner or operator of every dwelling unit shall supply adequate heat to every habitable room therein except where there are separate heating facilities for each dwelling unit, whose facilities are under the control of the occupant of such dwelling unit.

9-8B-35: Utilities.

No owner, operator or occupant shall cause any service equipment or utility which is required by this chapter to be removed, shut off or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies.

9-8B-36: Transfer of responsibility.

A contract effective as between owner or operator, operator and occupant or owner and occupant, with regard to compliance hereunder shall not relieve any part of their respective responsibilities under this Chapter.

9-8B-37: Plumbing and plumbing fixtures.

All plumbing within an existing dwelling unit shall comply with all applicable provisions of the Building Code.

9-8B-38: Gas facilities.

(A) All gas-burning hot water heaters and space heaters shall be properly vented to a chimney or gas vent leading to outdoor space as provided in the Building Code.

(B) Every gas pipe shall be sound and tightly put together, with no leaks.

(C) No gas pipe shall be corroded or obstructed so as to reduce gas pressure or volume.

(D) Every gas appliance shall be connected to a gas line with solid metal piping.

(E) Gas pressure shall be adequate to permit a proper flow of gas from all open gas valves at all times.

9-8B-39: Electric wiring, facilities.

All electrical wiring and facilities shall comply with all applicable provisions of the Building Code.

9-8B-40: Heating, heating facilities.

All heating facilities shall comply with all applicable provisions of the Building Code.

9-8B-41: General sanitation.

(A) Every floor and floor covering shall be kept reasonably clean and not littered or covered with dirt, dust, garbage, human or animal fecal matter or any other unsanitary thing.

(B) Every wall and ceiling shall be reasonably clean and not littered or covered with dust, dirt, cobwebs or greasy film.

(C) No stagnant water shall be allowed to accumulate or stand anywhere about the premises.

9-8B-42: Entrance--exit dwelling unit.

Entrance to and exit from each dwelling unit shall be provided without necessity of passing through any other dwelling or dwelling unit.

Section 2. This Ordinance is hereby ordered to be published in pamphlet form by the Peoria Heights Village Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

Section 3. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

Section 4. This Ordinance shall be in full force and effect from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

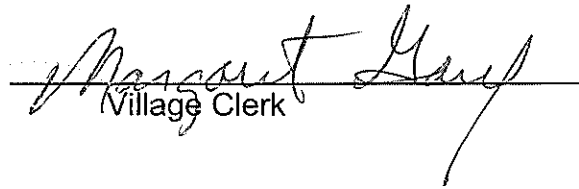
PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF PEORIA HEIGHTS, PEORIA COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION AND APPROVED BY ITS PRESIDENT THIS 19th DAY OF JUNE, 2018.

APPROVED:



President

ATTEST:



Village Clerk