

Chapter 22  
**PROPERTY MAINTENANCE CODE**

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**22.01 PURPOSE**

The purpose of this Chapter 22 is to protect the environment and the public health, safety and welfare, and to prevent blight by establishing regulations and enforcement procedures to the end that buildings and real estate within the Village are maintained in a safe and sanitary condition, free of health, fire and safety hazards.

**22.02 SCOPE AND APPLICABILITY**

Except where specified hereinafter, the provisions of this Chapter 22 shall apply to all buildings and real estate located within the Village and shall apply in addition to all other Village ordinances.

**22.03 DEFINITIONS**

For the purposes of this Chapter 22, see Appendix A of this Code.

## 22.04 MAINTENANCE REQUIRED

It shall be unlawful for the owner of real estate or any owner or operator of a building to fail, refuse or neglect to maintain such real estate or building in accordance with the provisions of this Chapter 22.

## 22.05 MAINTENANCE STANDARDS

### A. General Standards:

1. All buildings and real estate shall be maintained in good repair and each part of a building shall perform the function for which such part was designed or intended to be used.
2. Facilities, utilities and equipment, including, but not limited to chimneys, heating and ventilating equipment and facilities, which are part of or used in or on a building and the real estate on which such building is located, shall be maintained in good repair and working order so that they function safely and effectively without threat to health and safety.

### B. Specific Standards:

1. Foundations, Exterior Walls and Roofs: Every foundation, exterior wall and roof of every building shall be substantially weather tight, and rodent proof; shall be kept in sound condition and good repair; shall be kept free of holes or breaks, and of loose or rotting boards, timbers, bricks, stones and other structural material; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.
2. Exterior Surfaces: All exterior surfaces of any building shall be reasonably capable of withstanding the effects of the elements and decay. Any exterior surface which is deteriorated, decaying, disintegrating or which has lost its capability to reasonably withstand the effects of the elements shall be repaired. This includes the painting of extension surfaces; such surfaces shall be free of chipping or flaking paint.
3. Windows and Exterior Doors: Every window, storm window, exterior door, exterior storm door, basement or cellar door or hatchway shall be substantially weather tight, water tight and rodent proof; shall be equipped with all appropriate hardware; shall be capable of being easily opened unless designed to be fixed; and all windows, exterior doors and screens shall be kept in good repair.
4. Stairways and Porches: Every inside and outside stairway and porch and every appurtenance thereto shall be maintained in a good state of repair and free

from rotting, loose or deteriorating supports, rails, floors and stairs so as to be safe to use and capable of supporting the loads that normal use may cause to be placed thereon.

5. Accessory Structures: All garages, tool sheds and all other accessory structures shall be kept in good repair so as not to be unsafe or a harborage for rats and other rodents. Fences and roadside mailboxes shall be maintained in good repair, solid and in the same condition required for other exterior surfaces. If attached to the exterior of a building, a television antenna shall be firmly and securely fastened to the building and shall be maintained in good repair. No television antenna shall be attached to any tree.
6. Vegetation: No real estate within the Village shall have uncontrolled growths of vegetation in violation of this Code. No dead trees shall be allowed to remain on real estate within the Village for more than three months.
7. Driveways and Walkways: Cement, asphalt or paver driveways and parking areas shall be maintained free of loose or broken material and cracks which are safety hazards. Such driveways and parking areas shall be repaired as necessary to avoid safety hazards.
8. Gutters and Downspouts: All gutters and downspouts shall be maintained free of debris which might prevent their proper functioning and shall not be allowed to discharge in a manner which might create unnecessary erosion. All gutters and downspouts shall be securely fastened to the building which they serve. All painted gutter and downspout surfaces shall be maintained free of chipping and flaking paint.
9. Rat and Rodent Proofing: Every building and the property on which buildings are located shall be maintained in a rat and rodent free and rat and rodent proof condition.
10. Plumbing: Every plumbing fixture and all water and waste pipes shall be properly installed and maintained in good and sanitary working condition.
11. Ingress and Egress: The means of ingress to and the egress from any building, including but not limited to hallways, corridors, stairs and porches, shall be maintained in good repair and free from any obstructions.
12. Protective Railings: Any handrail, guardrails or other types of protective railings required to be constructed or installed under any provision of this Code or which have otherwise been constructed and installed, shall be maintained in good repair. All painted surfaces on handrails, guardrails and other protective surfaces shall be maintained free of chipping or flaking.

13. Storage of Motor Vehicles: No licensed or unlicensed motor vehicle or part thereof shall be abandoned, parked or stored if such motor vehicle or part thereof is in an abandoned, wrecked, dismantled or inoperative condition, upon any private property within the Village, for a period in excess of 30 days, unless such motor vehicle or part thereof is completely enclosed within a building in a lawful manner where it is not plainly visible from the street or other public or private properties.
14. Garbage and Debris Accumulation Prohibited: Accumulation of garbage and debris shall be prohibited, except for ordinary week-to-week temporary storage of refuse as provided in Chapter 10 of this Code.

## 22.06 RESPONSIBILITIES OF OWNERS AND OPERATORS

Every owner or operator of a building or real estate shall:

- A. Compliance with Duties: Comply with all duties imposed by this Chapter 22. Furthermore, no owner or operator shall let to another person any building or real estate unless such building or real estate or both are clean, sanitary, fit for human use and occupancy, and comply with all applicable provisions of local, state and federal law.
- B. Shared Area and Facilities: Maintain in a clean and safe condition the shared or public areas of a building and the real estate on which it is located, including parkways, and maintain and repair any equipment or facilities which said owner or operator supplies or is required to provide under this Chapter 22.
- C. Extermination: Prevent infestation of any building and exterminate any insects, rodents or other pests in any building.
- D. Garbage and Rubbish Disposal: Supply and maintain facilities for the temporary storage and disposal of garbage and rubbish as required by Chapters 10 and 11 of this Code and provide for the collection of garbage and rubbish from the premises in the appropriate manner provided in this Code.
- E. Accumulation of Debris and Storage of Goods: No owner of a building or real estate shall accumulate or permit the accumulation of rubbish, boxes, lumber, scrap metal or any other material in such a manner that such accumulation may provide a rat harborage or fire hazard.

## 22.07 RESPONSIBILITY OF OCCUPANTS

Every occupant of a building or real estate shall:

- A. Maintenance: Maintain in a safe and sanitary condition that part of a building or real estate or both which such occupant controls and be responsible for misuse of common areas and facilities.

- B. Garbage and Rubbish Disposal: Dispose of all garbage and rubbish in a clean and sanitary manner by placing it in approved storage or disposal facilities which are safe and sanitary.
- C. Accumulation of Litter, Debris and Storage of Goods: No person shall place on any real estate or in a building or on the real estate upon which such building is located any material which causes a fire hazard or otherwise endangers the life, health or safety of any person or constitutes a blighting or deteriorating influence on the premises or neighborhood, nor place in storage on the premises any furniture, equipment or material which harbors insects, rodents or other pests or is conducive to infestation.

#### **22.08 MAINTENANCE OF RIGHTS-OF-WAY**

It shall be the duty of owners of lots abutting rights-of-way to maintain the lawn and landscaping on the rights-of-way up to the street surface, including mowing and weed control; to maintain ditches in a vegetated, neat, and mowed condition; to maintain driveway aprons in good repair; and to keep driveway culverts in good repair and clear of sediment and obstructions.

#### **22.09 TRANSFER OF RESPONSIBILITY**

A contract effective as between owner and operator or operator and occupant or owner and occupant with regards to compliance hereunder shall not relieve any person of the requirements imposed by this Chapter 22 upon such owner.

#### **22.10 RULES AND REGULATIONS**

The Building Commissioner is authorized to adopt such written rules and regulations as may be necessary for the proper interpretation and enforcement of this Chapter 22. Such rules and regulations shall not conflict with or waive any provisions of this Chapter 22 or any other ordinance of the Village. Such rules and regulations shall be kept on file with the Building Commissioner in the Village Hall for public examination. Such rules and regulations shall have the force and effect of this Chapter 22 and shall continue in effect until revoked by the Building Commissioner.

#### **22.11 INSPECTIONS AND RIGHT OF ENTRY**

A. The Building Commissioner is authorized to conduct inspections of buildings, accessory structures and the real estate of which they are located to enforce the provisions of this Chapter 22 in response to complaints or whenever the Building Commissioner shall deem such inspections necessary; provided, however, that such inspections must be made at reasonable times and upon reasonable notice to, and with consent of the owner or operator and the occupant, except when an emergency requires immediate action.

B. Inspection Upon Warrant: Whenever the Building Commissioner, after presentation of proper credentials and requests for authorization to inspect, is refused access to any building or the premises thereof, the Building Commissioner is authorized to petition any judge for the issuance of a

search warrant authorizing the inspection of such building or the premises thereof for the purpose of making such inspections as shall be necessary to the enforcement of the provisions of this Chapter 22.

C. Owners' Right of Entry: Every occupant of a building or portion thereof shall give the owner thereof, or its agent or employees, access to any part of such building or its premises for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this Chapter 22 or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this Chapter 22. Entry pursuant to Section 22.11-C shall be made only at reasonable times and after reasonable notice to occupant unless an emergency requires immediate action.

## 22.12 NOTICE OF VIOLATIONS

A. Notice Required: Whenever, in the opinion of the Building Commissioner, after an inspection of a building or real estate as provided herein, any violation of the provisions of this Chapter 22 is found to exist, the Building Commissioner shall serve written notice of such alleged violation upon the owner, operator or occupant responsible therefor.

B. Method of Service: Notice shall be given either by personal service or by mailing a copy thereof to the alleged violator by certified mail, return receipt requested, at his last known address, or, in the event neither of these is effective to actually notify the alleged violator, by posting a copy thereof in a conspicuous place in or about the building containing the alleged violation.

C. Required Contents of Notice: Such notice may include more than one alleged violation, shall demand compliance with this Chapter 22 and shall specify a period of time for compliance, which shall be such time as, in the opinion of the Building Commissioner is reasonably required to effect changes necessary for compliance.

## 22.13 EFFECT OF NONCOMPLIANCE *Amended, 1998-39, 1998-32*

If any alleged violation, of which notice has been given in conformity with this Chapter 22, is not corrected or eliminated within the specified time in such notice, then:

A. Violator Subject to Penalty: The responsible owner, operator or occupant shall be subject to a fine of not less than \$50.00 nor more than \$1,000.00, plus the Village's cost of prosecution including reasonable attorney fees, for each day such violation exists after expiration of the time specified for correction in the notice given pursuant to Section 22.12 herein.

B. Designation of Dwelling as Unfit for Human Use of the Use Intended: The building or portion thereof where the violation was found shall be subject to designation as unfit for human use or the use intended in accordance with the procedures set forth hereinafter.

C. Designation of Dwelling as Dangerous and a Public Nuisance: Where the alleged violations are of such a nature or extent, that in the opinion of the Building Commissioner they render

all or any portion of the building unsafe and dangerous to the life, safety, morals and the general health and welfare of the occupants or the residents of the Village, or where the building or any portion thereof is uncompleted or has been abandoned, the Building Commissioner may declare and designate the building, or portion thereof, as dangerous and a public nuisance in accordance with the procedures set forth hereinafter.

**22.14 DESIGNATION OF BUILDING AS UNFIT FOR HUMAN USE OR THE USE INTENDED, PROCEDURES**

Whenever any building or portion thereof is subject to designation as unfit for human use or the use intended under the provisions of Section 22.13, the Building Commissioner shall carry out such designation in compliance with the following procedures:

- A. Notice and Placarding: The Building Commissioner shall serve notice of the designation of the building or portion thereof as unfit for human use or the use intended upon the owner, operator and occupant thereof. Service shall be by certified mail, return receipt requested, and by posting of a placard at a front and rear entrance of the affected building.
- B. Contents of Notices and Placards: The notices and placards required herein shall state that the affected building or portion thereof is by such notice or placard to be unfit for human use or the use intended in accordance with the provisions of this Chapter 22; shall state the specific uncorrected violations of this Chapter 22 leading to such designation and the person or persons responsible for the correction thereof; and shall order the affected building or portion thereof to be vacated within a specific reasonable period of time as determined by the Building Commissioner, which may be immediately where conditions exist presenting immediate hazards to human life, health or safety. Such notices or placards shall further state the right of any aggrieved person to file an appeal pursuant to Section 22.21 herein within 30 days of the date of the receipt of such notice.
- C. Defacing or Removing Placard: No person shall deface or remove the placard required by Section 22.14-A hereof from any building which has been designated as unfit for human use or the use intended and placarded as such, except as provided in Section 22.15-B herein.

**22.15 EFFECT OF DESIGNATION OF BUILDING AS UNFIT FOR HUMAN USE OR THE USE INTENDED**

A. Vacation Required: Any building or portion thereof designated as unfit for human use or the use intended shall be vacated within the time specified by the Building Commissioner pursuant to the provisions of Section 22.14 herein.

B. Conditions for Resumption of Human Use or the Use Intended: No building or portion thereof which has been designated as unfit for human use or use intended in accordance with Section 22.14 herein shall again be used for human use or the use intended until written approval is secured from, and the placard so designating it is removed by, the Building Commissioner, who shall remove such placard only when the defects upon which designation was based have been eliminated,

and after the building or portion thereof has been inspected and found to comply in all respects with the requirements of this Chapter 22.

#### **22.16 DESIGNATION OF BUILDING AS DANGEROUS AND A PUBLIC NUISANCE, PROCEDURES**

Whenever any building or portion thereof is subject to designation as dangerous and a public nuisance under the provisions of Section 22.13-C herein, the Building Commissioner shall carry out such designation in compliance with the following procedures:

- A. Notice and Placarding: The Building Commissioner shall serve notice of the designation of the building, or portion thereof, as dangerous and a public nuisance upon the owner, operator, occupant and lienholders of record. Service shall be by certified mail, return receipt requested, and by posting a placard at a front and a rear entrance of the affected building. Where the identity or whereabouts of the owner or lienholder cannot be ascertained, notice mailed to the person or persons in whose name the premises were last assessed shall be sufficient notice.
- B. Contents: The notices and placards required by Section 22.16-A hereof shall state that the affected building, or portion thereof, is by such notice or placard declared to be dangerous and a public nuisance in accordance with the provisions of this Chapter 22; shall state the specific alleged uncorrected violations of this Chapter 22 deemed sufficient to justify such designation; and shall further state that such designation may result in an order for demolition. Such notice shall require the party to appear before the Building Commissioner at a hearing to be held at a specified place and time, not less than 10 days following the date of the notice, to show cause why the designated building, or portion thereof, should not be vacated and repaired or demolished in accordance with the provisions of this Chapter 22.
- C. Defacing or Removing Placard: No person shall deface or remove the placard required by Section 22.16-A hereof from any building, or portion thereof, which has been designated as dangerous and a public nuisance, except as provided elsewhere herein.
- D. Hearings and Findings: At the appointed time and place the Building Commissioner shall hear such testimony as the interested parties shall offer relative to the designated building, or portion thereof, and shall, based on such testimony and investigation, make written findings of fact as to whether the building is properly designated as dangerous and a public nuisance.

#### **22.17 EFFECT OF DESIGNATION OF BUILDING AS DANGEROUS AND A PUBLIC NUISANCE**

- A. Order: Upon a finding pursuant to Section 22.16 that the building, or portion thereof, has been properly designated as dangerous and a public nuisance, the Building Commissioner shall issue an order to the owner, operator, occupant and lienholders of record, commanding the owner to vacate and repair or demolish the building, or portion thereof; authorizing any lienholder of record to demolish such building, or portion thereof, at their own risk to prevent the attachment of a Village



lien, as provided in Section 22.17-D thereof; and shall authorize any person so notified to vacate or repair such building, or portion thereof.

B. Petition to Circuit Court: Unless the designated building, or portion thereof, has been vacated and the repair or demolition thereof commenced within 15 days of the issuance of an order pursuant to Section 22.18-A herein, the Village shall petition the 22<sup>nd</sup> Judicial Circuit Court pursuant to the provisions of 65 ILCS 5/11-31-1, for an order requiring such vacation and authorizing such demolition or repair.

C. Repair or Demolition by Village: Upon receipt of an order of the court authorizing such action, the Building Commissioner shall cause the designated building, or portion thereof, to be repaired or demolished, as the facts may warrant by the Village. Provided, however, that where the Building Commissioner finds it to be in the best interest of the Village and its residents, the Building Commissioner shall notify the President and Board of Trustees and request them to take all actions as necessary to compel the repair or demolition by the owner, including the application for an injunction pursuant to 65 ILCS 5/11-31-2.

D. Lien for Repairs or Demolition: The cost of any vacation, repair or demolition undertaken pursuant to this Chapter 22 by the Village, or any lienholder of record, shall be recoverable from the owner of the premises and shall be a lien upon such premises as provided by 65 ILCS 5/11-31-1 and 11-31-2.

E. Conditions for Resumption of Use: No building, or portion thereof, which has been designated as dangerous and a public nuisance in accordance with Section 22.16 herein, shall again be used for any purpose until and unless written approval is secured from, and the placard so designating it is removed by the Building Commissioner, who shall remove such placard only when the defects upon which the designation was placed have been eliminated, and after the building, or portion thereof, has been inspected and found to comply in all respects with the requirements of this Chapter 22.

## 22.18 EMERGENCY CASES

In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a building, or portion thereof, is immediately repaired or demolished, the Building Commissioner shall request the President and Board of Trustees to waive all foregoing provisions of this Chapter 22 and to proceed directly to secure a demolition order according to the procedures of 65 ILCS 5/11-31-1 and the President and Board of Trustees may, in their discretion, so proceed.

## 22.19 ASSISTANCE OF VILLAGE ATTORNEY *Amended, 2021-10, 2017-34, 1998-27*

The imposition of any penalty pursuant to this Chapter 22 shall not preclude the Village from instituting any appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful repair or maintenance; to restrain, correct or abate a violation; to prevent the occupancy of a building; to require compliance with the provisions of this Chapter 22 or other applicable laws, ordinanc-

es, rules or regulations, or the orders and determinations of the Building Commissioner or the Village Manager.

22.20 **APPEALS** *Amended, 2021-10, 2017-34, 1998-27*

Appeals may be taken by the following persons at the following times, in the following manner and with the following effects to the Village Manager, who shall make recommendations on such appeals to the President and Board of Trustees, who shall have final authority to decide appeals:

- A. Scope of Appeal: An appeal may be taken from any decision of the Building Commissioner, made pursuant to the authority conferred by this Chapter 22, which finds a violation of any provisions herein, designates any building or portion thereof as unfit for human use or the use intended or dangerous and a public nuisance; orders the vacation, repair or demolition of any building or portion thereof; refuses to authorize the resumption of human use in any building or portion thereof; interprets this Chapter 22; or which in any manner adversely affects an owner, operator or occupant of a building or portion thereof subject to the provisions of this Chapter 22.
- B. Persons Entitled to Appeal: Any person aggrieved by a decision within the scope of Section 22.20-A thereof may appeal from such decision.
- C. Time for Appeal: An appeal shall be commenced within 10 days of the date of the receipt of notice of the decision appealed from. Appeal not commenced within such time shall be deemed waived.
- D. Commencement of Appeal: An appeal under Section 22.20 shall be commenced by filing with the Building Commissioner a notice of appeal, in duplicate, specifying the grounds thereof, in the office of the Village Clerk who shall transmit forthwith one copy to the Building Commissioner and a copy to the Village Manager. The Building Commissioner shall forthwith transmit to the Village Manager all of the papers constituting the record upon which the action appealed from was taken. The notice of appeal shall contain such information as the Building Commissioner may provide from time to time; such notice shall be available from the office of the Village Clerk and the office of the Building Commissioner.
- E. Stay Pending Appeal: An appeal shall stay all proceedings in furtherance of the decision appealed from and all duties imposed thereby, unless the Building Commissioner certifies to the Village Manager, after the notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would, in his opinion, cause immediate hazards to human life, health or safety; in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Village Manager, President and Board of Trustees or by a court of record upon application following notice to the Building Commissioner and upon due cause shown. Any stay in effect pursuant to Section 22.20-E shall continue until a decision on the appeal is rendered.

F. Action on Appeal: Village Manager shall select a reasonable time and place for a public hearing on the appeal and shall give due notice thereof in writing to the parties having a known interest therein. The Village Manager shall render a written recommendation thereon with findings of facts, terms of recommended relief and reference to any exhibits containing plans and specifications relating to his recommendation, which plans and specifications shall remain a part of the permanent records of the Village. The findings of facts shall specify the reason or reasons for the recommendation. The terms of the relief recommended shall be specifically set forth in a conclusion or statement separate from the findings of facts. Said recommendation, findings of facts and terms shall be forwarded to the President and Board of Trustees within 10 days after the date of the public hearing.

The President and Board of Trustees shall review the records forwarded by the Building Commissioner, the transcript of the public hearing and the findings of fact and recommendation of the Village Manager and shall, within 15 days, decide the appeal and mail notice of such decision to the person who filed such appeal.

The President and Board of Trustees may reverse, or affirm, in whole or in part, or may modify the decision from which the appeal was taken, and to that end the President and Board of Trustees shall have all the powers of the Building Commissioner with respect to such decision.

## 22.21 RECORDS

The Building Commissioner shall maintain a record of the following:

1. Each and every complaint received by or referred to the Building Commissioner of any alleged violation of this Chapter 22;
2. Any investigation undertaken or directed by the Building Commissioner and any and all reports or other documents related to such investigation; and
3. Any and all warrants and notices related to the enforcement of the provisions of this Chapter 22.