

CHAPTER 70

PROPERTY MAINTENANCE CODE

1. APPLICABILITY. This Chapter shall have, along with the Code adopted hereby, the scope and applicability set out in said code, except as modified by the provisions of this Chapter.

2. PROPERTY MAINTENANCE CODE. The same having been duly placed and remained on file as required by law, and subject to the additions, modifications, changes or deletions set out in this Chapter, the International Property Maintenance Code/2015, the same being found and declared by the Council to be regulations as defined by applicable statute, is hereby adopted by reference, the same to be known, and which may be cited as "The Property Maintenance Code" of the City, and which shall have the scope and applicability as therein set out, except as modified by the provisions of this Chapter.

(Amended, Ordinance No. 2007-21, April 2, 2007) (Amended, Ordinance No. 2018-68, November 5, 2018, Effective January 1, 2019)

3. SUBSTITUTIONS. Whenever in said Code the words, "name of jurisdiction" appear in brackets, said code is modified by removal of said brackets and substitution of the words, "the City of Decatur, Illinois," in lieu of the words contained therein, and whenever the words "name of state" so appear said Code is so modified and the word "Illinois" so substituted, and said Code shall be taken and construed as if such was expressly so set out therein.

Revised February, 2020

4. NEIGHBORHOOD INSPECTIONS. Whenever in said Code or in the Chapter reference is made to the building official or to the code official such shall be taken to mean and shall be construed to refer to the Neighborhood Inspections Administrator or his designee as fully as if said designation was set out therein in lieu of such words and whenever reference is therein made to the department of building inspection or similar reference such shall be taken to mean and shall be construed to refer to the Inspections Division of the Economic and Community Development Department as fully as if said designation was set out therein in lieu of such words.

(Amended, Ordinance No. 2018-68, November 5, 2018, Effective January 1, 2019)
(Amended, Ordinance No. 2017-07, February 6, 2017)
(Amended, Ordinance No. 2010-03, February 1, 2010)
(Amended, Ordinance No. 2000-11, March 13, 2000)

5. BOARD OF APPEALS. Whenever in said Code reference is made to the board of appeals such shall be taken to mean and shall be construed to refer to the Construction and Housing Board of Appeals of the City.

6. DELETION. The following numbered Articles or sections of said Code are deleted therefrom and the provisions thereof are not adopted hereby:

<u>PM Section No. (Inclusive)</u>	<u>PM Section No. (Inclusive)</u>
103.1	103.2
103.3	103.5
104.2	104.6
	106.2
106.3	110.2
110.3	110.4
111.2 through 111.8 inclusive	
112.1 through 112.4 inclusive	
302.4	704.2 through 704.2.1.4 inclusive
704.2.4	

(Amended, Ordinance No. 2018-68, November 5, 2018, Effective January 1, 2019)
(Amended, Ordinance No. 2008-05, February 4, 2008)
(Amended, Ordinance No. 2007-21, April 2, 2007)
(Amended, Ordinance No. 98-54, August 17, 1998)

7. AMENDMENTS. The following numbered sections in said Code are hereby modified and amended as herein indicated:

(a) 101.1 by inserting the words “City of Decatur, Illinois” for the name of the jurisdiction.

(b) 107.2 by removing subparagraph 6

(c) 107.3 by adding the words “or the address listed in the Macon County Tax Assessor’s Office for receipt of the property tax bill for the property” before the semi-colon in section 107.3(2).

(d) 107.45 by removing the words “with orders and notices”.

(e) 108.2 by removing the last portion of the last sentence and replacing as follows “It shall be unlawful for the owner of a structure having been given notice as herein provided to fail to close the structure”.

(f) 108.4 by replacing as follows “Placarding: After determination by the code official or his representative that a condemnation notice will be required under the provisions of this code the code official shall post on the premises or structure or parts thereof, or on defective equipment, a placard indicating that the structure or equipment has been condemned as unfit for human occupancy or use, and a statement of the penalties provided for any occupancy or use or for removing the placard”.

(g) 111.1 by replacing “20 days” with “10 days” and adding “in the office of the City Clerk” following “10 days”.

(h) 201.3 by removing “International Zoning Code” and replacing “International Plumbing Code” with “Illinois Plumbing Code”

(i) 202 by adding between “(BG) Sleeping Unit” and “strict liability offense” the following: Smoke Detector – “Approved smoke detector or ‘detector’ means a smoke detector of the ionization or photoelectric type, which complies with all the requirements of the rules and regulations of the State Fire Marshal”.

(j) 301.2 by adding “or person in control” following the word “owner” in the first sentence.

(k) 302.1 by adding the word “owner or” following the word “the” in the second sentence and deleting the words “that part of” and “ that such occupant occupies or controls”.

(l) 302.2 by removing the period at the end of the sentence and adding “and to prevent water damage to the foundation of the structure located thereon”.

(m) 302.5 by adding “The owner of any residential or nonresidential structure shall be responsible for the extermination of any insects or rats, or other pests throughout the structure and on the exterior of the property. Exception: The occupant of a single family dwelling shall be responsible for the extermination of

any insects, rats or other pests in the interior of the dwelling. If the single family dwelling is vacant, extermination shall be the responsibility of the owner.”

(n) 304.5 by adding “so as to carry the safe design and operating dead and live loads” following the word “maintained” in the first sentence.

(o) 304.6 by adding “fascias and soffits” following the word “walls” in the first sentence.

(p) 304.7 by adding the word “may” following the word “that” in the first sentence.

(q) 304.7 by adding “properly anchored and connected” after the word repair, and “or removed” after the word obstructions in the next to last sentence.

(r) 304.14 by deleting the words “During the period from (Date) to (Date)” in the first sentence and deleting the “Exception” section.

(s) 304.18.1 by deleting the words “that is rented, leased or let” following the word “unit” in the first sentence.

(t) 304.18.2 by deleting the words “that is rented, leased or let” following the words “housekeeping unit”.

(u) 304.18.3 by deleting the words “rented, leased or let” following the word “housekeeping unit” and adding the words “and maintained to prevent the entrance of rats, rain and surface drainage water” at the end of the sentence.

(v) 305.2 by adding the words “free of deterioration” following the words “structurally sound”.

(w) 305.3 by adding “Bathrooms and toilet rooms shall be provided with floors of moisture resistant materials, and every toilet, bathroom and kitchen floor surface shall be constructed and maintained so as to permit such floor to be kept in a clean and sanitary condition” at the end of the paragraph.

(x) 305.4 by adding: And constructed so as to be safe to use and capable of supporting the anticipated loads and shall be free of deterioration. The maximum riser height for the steps shall be 9” and the minimum tread depth shall be 8” with variation not exceeding $\frac{3}{4}$ ” in the depth of adjacent treads or in the height of adjacent risers.

(y) 305.7 by adding: Lead-based paint. Interior and exterior painted surfaces of dwellings and child and day care facilities, including fences and outbuildings, which contain in excess of 0.06 percent lead by weight shall be removed or covered in an approved manner. Any surface to be covered shall first be marked with warnings as to the lead content of such surface.

(z) 308.2.2 by deleting the words “without first removing the doors” following the word “premises”.

(aa) 309.4 by deleting the last sentence of the paragraph “If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination”.

(bb) 404.8 by adding the following: “Below Grade Rooms. Rooms partially or completely below grade shall not be used as habitable space unless (1) floors and walls are water-tight so as to prevent entry of moisture; (2) all habitable rooms shall be provided with aggregate glazing of not less than 8% of the floor area of such rooms; (3) where windows are provided as a means of egress or rescue, the windows shall have the bottom of the clear opening not more than 44” above the

floor; (4) the minimum net clear opening for the below grade room windows to be used for egress or rescue shall be 5 square feet; and, (5) means of egress and emergency escape are provided in accordance with this code.

(cc) 502.5 by replacing International Plumbing Code with Illinois Plumbing Code in the first sentence.

(dd) 505.1 by replacing the International Plumbing Code with the Illinois Plumbing Code in the last sentence.

(ee) 602.2 by deleting the words “Appendix D of the International Plumbing Code” and replacing with the words “the Illinois Plumbing Code” following the words “indicated in”.

(ff) 602.3 by deleting the words “during he period from (Date) to (Date)” following the words “shall supply heat” and, in the last sentence of number 1 under Exceptions, by deleting the words “Appendix D of the International Plumbing Code” and replacing with the words “the Illinois Plumbing Code”.

(gg) 602.4 by deleting the words “during the period from (Date) to (Date)” following the word “heat”.

(hh) 604.2 by replacing “NFPA 70” with “National Electrical Code (NEC)” as adopted by the City of Decatur.

(ii) 605.1 by adding “as per the National Electrical Code, as adopted by the City of Decatur” at the end of the sentence.

(jj) 605.3 by adding “controlled by a wall switch” after the word luminaire in the first sentence.

(kk) 702.5 – Number of Exits: In nonresidential buildings, every occupied story more than six stories above grade shall be provided with not less than two independent exits. In residential buildings, every story exceeding two stories above grade shall be provided with not less than two independent exits. In stories where more than one exit is required, all occupants shall have access to a t least two exits. Every occupied story which is both totally below grade and greater than 2,000 square feet shall be provided with not less than two independent exits. Exception: A single exit is acceptable under any one of the following conditions: (1) where the building is equipped throughout with an automatic sprinkler system and an automatic fire detection system with smoke detectors located in all corridors, lobbies and common areas; (2) where the building is equipped throughout with an automatic fire detection system and the exit is an approved smoke proof enclosure or pressurized stairway; (3) where an existing fire escape conforming to the building code listed in Chapter 8 is provided in addition to the single exit; and (4) where permitted by the building code listed in Chapter 8.

(ll) 704.2 – Smoke Detectors. (1) Every dwelling unit shall be equipped with at least one approved smoke detector in an operating condition within 15 feet of every room used for sleeping purposes. The detector shall be installed on the ceiling and at least 6 inches from any wall, or on a wall located between 4 and 12 inches from the ceiling measured to the top of the detector. All smoke detectors shall be approved and listed and shall be installed in accordance with the manufacturers instructions. (2) Every single family residence shall have at least one approved smoke detector installed on every story of the dwelling unit, including basements but not including unoccupied attics. In dwelling units with

split levels, a smoke detector installed on the upper level shall suffice for the adjacent lower level if the lower level is less than one full story below the upper level; however, if there is an intervening door between the adjacent levels, a smoke detector shall be installed on each level. (3) Every structure which (i) contains more than one dwelling unit, or (ii) contains at least one dwelling unit and is a mixed-use structure, shall contain at least one approved smoke detector at the uppermost ceiling of each interior stairwell. The detector shall be installed on the ceiling, at least 6 inches from the wall, or on a wall located 6 to 12 inches from the ceiling, measure to the top of the detector.

(mm) 704.2.2 Interconnection is now 704.3

(nn) 704.2.3 Power Source is now 704.4

(oo)704.5 Carbon Monoxide Alarm Detectors. Definitions: (i) “Approved carbon monoxide alarm” or “alarm” means a carbon monoxide alarm that complies with all the requirements of the rules and regulations of the Illinois State Fire Marshal, bears the label of a nationally recognized testing laboratory, and complies with the most recent standards of the Underwriters Laboratories or the Canadian Standard Association. (ii) Dwelling Unit. A room or suite of rooms used for human habitation, and includes a single family residence as well as each living unit of a multiple family residence and each living unit in a mixed use building. (iii) Section 1. Carbon Monoxide Detector. (a) Every dwelling unit shall be equipped with at least one approved carbon monoxide alarm in an operating condition within 15 feet of every room used for sleeping purposes. The carbon monoxide alarm may be combined with smoke detecting devices provided that the combined unit complies with the respective provisions of the administrative code, reference standards, and departmental rules relating to both smoke detecting devices and carbon monoxide alarms and provided that the combined unit emits an alarm in a manner that clearly differentiates the hazard. (b) Every structure that contains more than one dwelling unit shall contain at least one approved carbon monoxide alarm in operating condition within 15 feet of every room used for sleeping purposes. (c) It is the responsibility of the owner of a structure to supply and install all required alarms. It is the responsibility of a tenant to test and to provide general maintenance for the alarms within the tenant’s dwelling unit or rooming unit, and to notify the owner or the authorized agent of the owner in writing of any deficiencies that the tenant cannot correct. The owner is responsible for providing one tenant per dwelling unit the written information regarding alarm testing and maintenance. The tenant is responsible for replacement of any required batteries in the carbon monoxide alarms in the tenant’s dwelling unit, except that the owner shall ensure that the batteries are in operating condition at the time the tenant takes possession of the dwelling unit. The tenant shall provide the owner or the authorized agent of the owner with access to the dwelling unit to correct any deficiencies in the carbon monoxide alarm that have been reported in writing to the owner or the authorized agent of the owner. (d) The carbon monoxide alarms required may be either battery powered, plug-in with battery back-up, or wired into the structure’s AC power line with secondary battery back-up. Exemptions: The following residential units shall not require carbon monoxide detectors: (1) a residential unit in a building that: (i) does not rely on combustion of fossil fuel for

heat, ventilation, or hot water; (ii) is not connected in any way to a garage; and (iii) is not sufficiently close to any ventilated source of carbon monoxide, as determined by the local building official, to receive carbon monoxide from that source. (2) a residential unit that is not sufficiently close to any source of carbon monoxide so as to be at risk of receiving carbon monoxide from that source, as determined by the local building official.

(pp): Penalty. That no person, firm or corporation shall erect, construct, alter, extend, repair, remove, demolish, maintain, operate, use or occupy any structure or equipment regulated by the provisions of this chapter or of the Code adopted hereby, or by the rules or directives promulgated or notices issued thereunder, or cause the same to be done, contrary to or in conflict with or in violation of any of said provisions, rules, directive or notices, and any person, firm or corporation violating or found to be in violation thereof shall upon conviction be fined not less than One Hundred Fifty Dollars (\$150.00) nor more than Two Thousand Dollars (\$2,000.00) for each offense, and each day on which a violation occurs or continues shall be considered a separate offense.

(Amended, Ordinance No. 2007-21, April 2, 2007) (Amended, Ordinance No. 2018-68, November 5, 2018, Effective January 1, 2019)

8. CERTIFICATE - DEMOLITION EXPENSES – PROPERTY SUSTAINING LOSS.

(A) It shall be a violation for any company to pay a claim of an insured property owner for loss to a structure located in the City of Decatur, until the insurance company receives a certificate as required by this Section.

(B) A notice to the City of Decatur, of the insurer's intent to pay a claim shall include the name of the property owner, the address of the property, its legal description, the permanent real estate index number that identifies the property for purposes of taxation, and the amount of the claim to be paid.

(C) For purposes of this Section, the definitions set forth in Section 397.1 (b) of the Illinois Insurance Code (215 ILCS 5/397.1 (b), as amended) shall be applicable.

(D) For any claim to which this Section is applicable, an insured property owner must submit either of the following to the insurance company:

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(1) a certificate that with respect to the property that there are no unpaid incurred demolition expenses;

(2) a certificate setting forth with respect to the property the amount of unpaid incurred demolition expense, and a direction by the insured property owner to the insurance company, to pay the unpaid incurred demolition expenses.

(E) Except as provided below, if a certificate is submitted pursuant to paragraph (2) above, the insurance company shall pay the unpaid incurred demolition expense from the proceeds payable by issuing a draft or check payable to the City of Decatur.

(F) If the City's incurred demolition expense is determined by estimation, the insurance company shall hold the amount estimated until an amended certificate executed by the appropriate local government official is submitted stating (i) that no demolition expense will be incurred or (ii) the actual unpaid incurred demolition expense. The insurance company shall then issue a draft or check payable to the City of Decatur for the actual unpaid incurred demolition expense.

(G) Nothing in this section shall be construed as making an insurance company liable for any amount exceeding the proceeds payable under its insurance policy unless the insurance company shall have made payment to the named insured without satisfying the requirements of this section. It shall be a violation for an insurance company to make payment to the named insured without satisfying the requirements of this section.

(H) Nothing in this Section shall be construed as making the City of Decatur an insured under an insurance policy.

(Amended, Ordinance No. 2020-38, February 24, 2020)

9. PENALTY. (A) That no person, firm or corporation shall erect, construct, alter, extend, repair, remove, demolish, maintain, operate, use or occupy any structure or equipment regulated by the provisions of this Chapter or of the Code adopted hereby, or by the rules or directives promulgated or notices issued thereunder, or cause the same to be done, contrary to or in conflict with or in violation of any of said provisions, rules, directives or notices, and, except as provided in subsections (B) and (C) hereof, any person, firm or corporation violating or found to be in violation thereof shall be fined not less than One Hundred Fifty Dollars (\$150.00) nor more than Two Thousand Dollars (\$2,000.00) for each offense, and each day on which a violation occurs or continues shall be considered a separate offense.

(Amended, Ordinance No. 2011-75; Ordinance No. 99-21)

(B) When a person, firm or corporation is cited for a violation of any of the provisions of this chapter, or of the Code adopted hereby or the rules or directives promulgated or notices issued hereunder, as provided in subsection (A) hereof, which violation occurred within twelve (12) months of a prior violation of any of the provisions of this Chapter, or of the Code adopted hereby or the rules or directives promulgated or notices issued hereunder, and such violation is separately brought and arises out of a different series of acts or omissions, such person, firm or corporation shall be fined not less than Five Hundred Dollars (\$500.00) nor more than Two Thousand Dollars (\$2,000.00) for each offense and each day a violation occurs or continues shall be considered a separate offense. (Amended, Ordinance No. 2011-75; Ordinance No. 99-21)

(C) When a person, firm or corporation is cited for a violation of any of the provisions of this chapter, or of the Code adopted hereby or the rules or directives promulgated or notices issued hereunder, as provided in subsection (A) hereof, which violation occurred within

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twelve (12) months of any two (2) prior violations of any of the provisions of this Chapter, or of the Code adopted hereby, or the rules or directives promulgated or notices issued hereunder, which prior violations each arose out of a different series of acts or omissions, and such present violation is separately brought and arises out of a different series of acts or omissions from either of the prior violations, such person, firm or corporation shall be fined not less than One Thousand Dollars (\$1,000.00) nor more than Two Thousand Dollars (\$2,000.00) for each offense and each day a violation occurs or continues shall be considered a separate offense.

(Amended, Ordinance No. 2011-75; Ordinance No. 99-21)

10. OTHER REMEDIES. The imposition of the penalties herein prescribed shall not preclude the institution of appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to stop an illegal act, the conduct of business or the operation of mechanical equipment or systems in or about any premises.

11. SEVERABILITY. The provisions hereof are, and shall be construed to be severable and invalidity of any section or provision of this Chapter, or of the codes and standards hereby adopted, shall not invalidate other sections or provisions hereof.

12. RULES AND REGULATIONS. In order to cause the purpose, intent and provisions of this Chapter and the Code adopted thereby to be carried out and administered, and to facilitate the same, the City Manager be, and he is hereby, authorized to cause directives, interpretations and rules, not in conflict with said provisions, to be promulgated and enforced.