Emails regarding any agenda item are welcomed. Please email LRosenthal@winnetka.org, and your email will be relayed to the Council members. Emails for the Tuesday Council meeting must be received by Monday at 4 p.m. Any email may be subject to disclosure under the Freedom of Information Act.

Regular Meeting
WINNETKA VILLAGE COUNCIL
Police Department
410 Green Bay Road
Winnetka, Illinois 60093
July 19, 2011
7:30 p.m.

AGENDA

1) Call to Order
2) Pledge of Allegiance to the Flag
3) Quorum
   a) August 2, 2011, Regular Meeting
   b) August 9, 2011, Study Session **(Cancelled)**
   c) August 16, 2011, Regular Meeting
4) Approval of Agenda
5) Consent Agenda
   a) Village Council Minutes.
      i) June 7, 2011, Regular Meeting 1
      ii) June 14, 2011, Study Session 6
   b) Warrant Lists Nos. 1709 and 1710 10
   c) Resolution R-26-2011 – Approving and Establishing the Police Chief's Salary 11
   d) Change Order: 2011 Street Rehabilitation Contract 13
6) Ordinances and Resolutions
   a) Ordinance M-11-2011: Zoning Variation 718 Hibbard – Introduction 14
   b) Ordinance MC-7-2011: Commercial & Mixed Use Property Maintenance Code – Introduction 52
7) Public Comment and Questions
8) Old Business
   a) Cost/Benefit Analysis, Flood Risk Reduction Projects 123
9) New Business
   a) Strategic Goals and Objectives 128
10) Reports

11) Appointments

12) Executive Session

13) Adjournment

NOTICE

All agenda materials are available at villageofwinnetka.org *(Council > Current Agenda)*, the Reference Desk at the Winnetka Library, or in the Manager's Office at Village Hall (2nd floor)**.**

Videos of the Regular Village Council meetings are televised on Channel 10, M-W-F-Sa-Su at 7:00PM, and on Channel 18 M-F-Su at 7:00AM or 7:00PM. Videos of meetings may also be viewed on a link at the Village's web site: villageofwinnetka.org

The Village of Winnetka, in compliance with the Americans with Disabilities Act, requests that all persons with disabilities who require certain accommodations to allow them to observe and/or participate in this meeting or have questions about the accessibility of the meeting or facilities, contact the Village ADA Coordinator – Liz Rosenthal, at 510 Green Bay Road, Winnetka, Illinois 60093, 847.716.3540; T.D.D. 847.501.6041.

MINUTES
WINNETKA VILLAGE COUNCIL
REGULAR MEETING
June 7, 2011

(Approved: xx)

A record of a legally convened meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Tuesday, June 7, 2011, at 7:30 p.m.

1) Call to Order. President Pro Tem Rintz called the meeting to order at 7:35 p.m. Present: Trustees Arthur Braun, Gene Greable, Bill Johnson, Richard Kates, and Jennifer Spinney. Absent: President Tucker. Also present: Village Manager Robert Bahan, Village Attorney Katherine Janega, Public Works Director Steve Saunders, Finance Director Ed McKee, Director of Water & Electric Brian Keys, and approximately 10 persons in the audience.

2) Pledge of Allegiance. President Tucker led the group in the Pledge of Allegiance.

3) Quorum.

   a) June 14, 2011, Study Session. All of the Council members present indicated that they expected to attend.

   b) June 21, 2011 Regular Meeting. All of the Council members present indicated that they expected to attend.

4) Approval of the Agenda. Trustee Spinney, seconded by Trustee Johnson, moved to approve the Agenda. By roll call vote. the motion carried. Ayes: Trustees Rintz, Braun, Greable, Kates, Johnson, and Spinney. Nays: None. Absent: None.

5) Consent Agenda

   a) Village Council Minutes. None.

   b) Warrant Lists Nos. 1703 and 1704. Approves Warrant List No. 1703 in the amount of $1,112,221.92, and Warrant List No. 1704 in the amount of $490,333.08.

   c) Ordinance M-7-2011: Zoning Variation – 12 Indian Hill – Adoption. Grants a 60.84% front yard setback variation to 12 Indian Hill Road, to allow the construction of a detached 2-car garage.

   d) Resolution R-23-2011: Prevailing Wage – Adoption. Establishes the prevailing wage rates paid to laborers, workers and mechanics engaged in the construction of public works by or on behalf of the Village, as required by the Prevailing Wage Act.

   e) Bid #11-018: Trapp Lane Roadway & Utility Improvements. Awards the contract for the Trapp Lane Roadway and Utility Improvement project to Copenhaver Construction in the amount of $449,886.50.

   f) Bid #11-008: Transformer Bid. Awards a contract for the purchase of single phase and three phase transformers to Resco, at unit prices, in an amount not to exceed $83,468.00.

   g) State Bid #4015976: Purchase of a 2011 Ford Expedition. Awards a contract through the State of Illinois bid process, to purchase a 2011 Ford Expedition as a replacement for the

Fire Department Incident Command Vehicle from Landmark Ford in the total amount of $36,119.00.

h) Purchase of Yard Waste Bags. Awards a contract through the Northwest Municipal Conference Suburban Purchasing Cooperative, to purchase of yard waste bags from Warehouse Direct, for $29,388.00.

i) New Trier High School Parking Lease. Approves the renewal of the New Trier High School parking lease at a 5% increase, as provided in the current lease.

j) Change Order: Primary Cable – The Okonite Company. Awards a Change Order to the Okonite Company in the amount of $69,502.00 for the purchase of 15kV 4/0 primary cable at the unit prices, subject to the contract conditions.

k) Sidewalk Sale Request. Approves the Chamber of Commerce request to hold its annual Sidewalk Sale on Friday, July 15th and Saturday, July 16th.

l) Corner Cooks Street Use Request. Removed from the consent agenda at the request of Trustee Greable, and discussed under New Business.

Trustee Johnson, seconded by Trustee Spinney, moved to approve the foregoing items on the Consent Agenda by omnibus vote. By roll call vote, the motion carried. Ayes: Trustees Braun, Greable, Kates, Johnson, Rintz and Spinney. Nays: None. Absent: None.

6) Ordinances and Resolutions.

a) Ordinance No. M-2-2011: Special Service Area #4 – Pavement and Stormwater Improvements to the Public Alley bounded by Elm-Oak / Locust-Rosewood Public Hearing. President Pro Tem Rintz opened the public hearing at 7:43 p.m.

Acting Village Manager Liz Rosenthal swore in those who wished to testify.

Mr. Saunders reviewed Village policy on paving gravel alleys, gave the total estimated cost for the project and described the proposed Special Service Area (SSA), and reported on efforts to address the Council's concerns about a perceived inequity of cost distribution, as several of the properties in the SSA do not use the alley to access their garages. He explained that the Cook County Assessor's Office advises that state law does not allow the SSA to be portioned out in any way other than the equalized assessed value of each property. Staff has therefore devised a solution to exclude the affected properties from the SSA if they agree to a one-time payment of a reduced amount, which will slightly increase the contributions of the parcels remaining in the SSA.

The Council and Mr. Saunders then discussed procedures for modifying the SSA boundaries to address the properties that do not use alley access.

Richard Busscher, 1077 Oak, thanked Mr. Saunders for his time and effort, and said the neighbors have been waiting for many years to get this alley paved and also that the drainage improvements associated with the paving will be very welcome.

Attorney Janega explained the procedures for amending the boundaries of the SSA and said the residents would still have an opportunity to file a protest petition.

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After some further questions from the Council, President Pro Tem Rintz closed the public hearing at 8:10 p.m.

After discussing how to equitably reduce the SSA boundaries, the Council reached consensus to modify the SSA to eliminate the three parcels that do not use alley access, subject to a payment of 50% of their original cost estimate and the execution of an agreement before the June 21st Council Meeting, when it would consider an ordinance amending the SSA.

b) Ordinance No. M-3-2011: Special Service Area #5 – Pavement and Stormwater Improvements to the Public Alley bounded by Elm-Oak / Rosewood-Glendale Public Hearing. President Pro Tem Rintz opened Public Hearing for SSA #5 at 8:30 p.m.

Acting Village Manager Liz Rosenthal swore in those who wished to testify.

Mr. Saunders testified that much of his testimony of SSA #4 is applicable to SSA #5, and he described the boundaries, estimated the cost of improvements and reviewed the processed that was followed with regard to notice provisions.

Acting Village Manager Rosenthal swore in Marc Poggioli, who then testified that he commends the Village and staff for devising the SSA as a way to pay for badly needed improvements, and he thanked the Council for paying 75% of the cost of the project.

Mr. Saunders reviewed the next steps, and said the exceptions are the same in this case with one exception – there is one property in the middle of the alley that does not have a rear garage. He explained that this property cannot be carved out of the SSA, without affecting the contiguity of the SSA.

The Council agreed to reduce the boundaries of SSA #5 in the same manner and with the same conditions imposed on the revisions to SSA #4.

7) Public Comment and Questions. Sara Fay, 811 Elm and reporter for Patch.com, said she would be leaving Winnetka at the end of the month, thanked the Council for welcoming Patch.com and said she had enjoyed getting to know everyone.

8) Old Business. None.

9) New Business.

a) Bids: Diesel Engine Catalyst Units. Mr. Keys reported that an EPA rule requires a reduction of carbon monoxide emissions, and described the work that was required to meet the new standards. He stated that as bids were sought for the installation of the diesel catalyst units, the low bidder failed to provide complete documentation and identify subcontractors; and that, after evaluating the next-lowest bidder, staff deemed it competent to complete the work.

Mr. Keys indicated that an unanticipated issue with the external exhaust silencers was revealed during the design engineering for the project, and will add approximately $55,000 to the overall project cost. He said staff had identified the following offsets to make up for the project's higher cost:

- Delay installation of a boiler feedwater demineralizer at the Electric Plant, $48,000.
- Expansion joint ($1,605) to be funded from Diesel Engine Maintenance account

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- Purchase of a spare substation circuit breaker was $15,522 below budgeted amount.
- Purchase of replacement pole trailer was $3,748 below budgeted amount.
- Purchase of replacement load buster tools was $3,112 below budgeted amount.

After Mr. Keys answered several questions from the Council, Trustee Johnson, seconded by Trustee Kates, moved to award a contract to Independent Mechanical Industries in an amount not to exceed $364,117 for the installation of emission controls and associated equipment on the diesel generators in accordance with Bid No. 011-016. By roll call vote, the motion carried. Ayes: Trustees Braun, Greable, Kates, Johnson, and Spinney. Nays: None. Absent: None.

b) Village Vehicle Sticker Design. Mr. McKee reviewed the Village's process for determining the vehicle sticker design and suggested that the 2013 design incorporate Village Hall, to publicize the renovation project. He proposed that a standard default design be created for 2014, and suggested that perhaps staff could work with the schools to solicit designs from students.

Trustee Rintz asked Mr. McKee to elaborate on the difficulties of administering the vehicle sticker design program of recent years.

Mr. McKee stated that he is sometimes put in the awkward position of having to choose between two or more worthy organizations, that it requires a substantial amount of his time, and that with increasing staff cuts, the process becomes more and more difficult. He noted that he was not trying to pre-empt the Council's discretion, but only trying to make the whole process more routine.

The Council had no concerns with Mr. McKee's proposal and it was approved.

c) Corner Cooks Request. Attorney Janega reported that this request is substantially the same as the request granted last fall, but noted that the insurance certificate is expired, and if the Council approves the request, Staff will ensure that an updated certificate is turned in by the applicant.

After a short discussion about the insurance certificate and the use of public right-of-ways, the Council approved the request, with the stipulation that a valid insurance certificate is provided to the Village.

Trustee Johnson, seconded by Trustee Spinney, moved to approve Corner Cooks' request to place a meat roaster in on-street parking spaces for a barbeque on Saturday, June 17, 2011. By voice vote, the motion carried.

10) Reports

a) Village President.

b) Trustees.

i) Trustee Kates asked if the EFC has the authority to gather information on drainage consultants. Attorney Janega said in her opinion, it does not. The Trustees directed Attorney Janega to send a memo to the EFC communicating that the Council is conducting an ongoing engineering study on flood control and has not delegated the

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issue to the EFC, and reminding the Commission that it has only the authority to ask the Council for permission to undertake a study, not to undertake one independently.

c) Attorney.

d) Manager. Acting Village Manager Rosenthal said the peak demand of electricity from the Village's power plant has already matched the peak demand for all of last summer, and she announced that starting with the next regular Council Meeting, all Village meetings will be in the Police Department classroom, due to the Village Hall renovation project.

11) Appointments.

a) President Pro Tem Rintz said the BCDC had agreed with President Tucker's nomination of Paul Dunn to serve as the BCDC representative to the Plan Commission. Trustee Braun, seconded by Trustee Johnson, moved to so appoint Mr. Dunn. By voice vote, the motion carried.

b) President Pro Tem Rintz said President Tucker, with the concurrence of the Park Board, has nominated John Thomas to serve as the Park Board's representative to the Plan Commission. Trustee Johnson, seconded by Trustee Braun, moved to so appoint Mr. Thomas. By voice vote, the motion carried.

12) Executive Session. None.

13) Adjournment. Trustee Johnson, seconded by Trustee Spinney, moved to adjourn the meeting. By roll call vote, the motion carried. Ayes: Trustees Braun, Greable, Kates, Johnson, and Spinney. Nays: None. Absent: None. The meeting adjourned at 9:20 p.m.

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Recording Secretary

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MINUTES
WINNETKA VILLAGE COUNCIL STUDY SESSION

June 14, 2011

(Approved: xx)

A record of a legally convened meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Tuesday, June 14, 2011 at 7:30 p.m.

1) Call to Order. President Tucker called the meeting to order at 7:35 p.m. Present: Trustees Arthur Braun, Gene Greable, Bill Johnson, Richard Kates, Chris Rintz and Jennifer Spinney, [Trustee Spinney arrived at 7:45]. Absent: None. Also in attendance: Village Manager Robert Bahan, Village Attorney Katherine Janega, Community Development Director Mike D'Onofrio, and approximately 35 persons in the audience.

2) Affordable Housing – Commercial & Mixed Use Property Maintenance Code: Discussion and consideration of materials prepared pursuant to Village Council directives at April 12, 2011 Study Session.

   Trustee Braun, who owns commercial property in the Village, read a short statement, recused himself from the discussion, and stepped down from the dais to join the audience.

   a) Commercial & Mixed Use Property Maintenance Code

      i) Staff Presentation of Draft Property Maintenance Code for Commercial & Mixed Use Property

      Mr. D'Onofrio stated that at the April 12th Study Session, the Village Council directed staff to investigate draft language for a commercial/mixed-use property maintenance code, and he distributed a copy of the 2009 International Property Maintenance Code (IPMC), a model code that is very widely used across the country.

      Mr. D'Onofrio reported receiving sporadic complaints about the condition of commercial properties from residents and from tenants of buildings that are not being kept up. He noted that without a maintenance code, the only recourse the Village has is to wait until conditions deteriorate to the point at which the building becomes uninhabitable and the building is condemned.

      [Trustee Spinney arrived at 7:45.]

      Mr. D'Onofrio explained that a property maintenance code (PMC) governs the maintenance of existing buildings and is based on principles to protect the health, safety and welfare of the community. He noted that a PMC is not a vehicle that governs landlord/tenant relations, nor is it to be used as weapon to punish building owners who do not maintain their properties. He said model codes are used in order to maintain a level of consistency across municipalities, and that the model code will be tailored to fit Winnetka's circumstances.

      Mr. D'Onofrio said in 2006 a Study Group comprising members of the BCDC and the Winnetka Chamber led to the introduction of an ordinance in 2007. The Council tabled the ordinance when it came up for adoption, and never removed it from the table.

Mr. D'Onofrio explained that the 2006 study group used an earlier edition of the IPMC, as all the model codes are updated every three years. He then gave a presentation reviewing the edits that staff proposes for the 2009 IPMC to tailor it to Winnetka's standards.

Attorney Janega clarified that when the model code was revised in 2007, the language was modified so that the code pertained only to commercial units, not the entire building, which is usually mixed-use. She pointed out that the issue at that time was whether the ordinance should apply to the residential portions of the commercial buildings, and noted that the Council never considered applying it to single family housing. She listed the policy issues before the Council as (a) does it want to pass a property maintenance code ordinance and (b) what uses should the proposed PMC ordinance apply to - to the commercial portion of a building, to dwelling units of multi-family buildings, to mixed use buildings only, or to rentals only and not condos?

Trustee Spinney said she thought it reasonable that property owners in the commercial districts could be told they cannot have mold in their buildings, as it is a public health hazard to everyone in the community.

Trustee Kates agreed with Trustee Spinney that problems need to be addressed but said he was concerned about adopting codes that might be replications.

Attorney Janega explained that the more stringent code always applies in the event of duplication and she recommended focusing on the maintenance issue, not the building and construction issue. She observed that once a building is constructed, the Village has no jurisdiction until it becomes such a hazard that it is an immediate danger to the community. She reiterated that the only remedy at that point is to declare the building uninhabitable, which is not an ideal solution.

President Tucker said she was in favor of being more proactive when it comes to resolving issues in mixed use buildings.

Mr. D'Onofrio confirmed for Trustee Rintz that a vast majority of municipalities have adopted a property maintenance code based on a form of the model code. He also verified that adoption of the model PMC would eliminate the need for staff to make judgment calls and would avert the possibility of needing code amendments every time a resident comes to the Village with a new issue.

ii) <u>Comments from Public</u>

Jim Sayegh, owner of the Winnetka Galleria, said he was against a property maintenance code that deals with commercial property, although he would support one for residential rental units.

Surrosh Shakir, 817 Chestnut Court; Marc Hecht, 1096 Spruce; Brendan Saunders, Interfaith Housing at 614 Lincoln; Sunita, 894 Green Bay; Cicely Clarke Michalak, 351 Ridge; and Jen McQuet, 528 Maple; all expressed support for a PMC, so tenants would have a remedy when a landlord does not supply essentials like heat or the building becomes uninhabitable because of mold or other issues, and also because

deteriorating property in the commercial districts negatively affects the neighboring properties.

Jeffrey Liss, 1364 Edgewood, said he would like more Council discussion on the unintended consequences of passing a PMC.

Joan Sullivan, 165 Spring Lane, said she felt sorry for the landlords, as the tenant complaints sometimes go too far.

Arthur Braun, 850 Bell Lane and recused Village Trustee, said the PMC deals with public safety and welfare to keep structures safe and habitable for renters. He urged the Council to be careful to avoid unintended consequences and to bear in mind the cost of requirements on building owners.

iii) Council Discussion and Direction

As the Council discussed the issue, Attorney Janega pointed out that the 2006 Caucus Questionnaire dealt only with maintenance of single family residences and does not shed light on the matter now before the Council. She added that a landlord-tenant ordinance is not under consideration, and she noted that the PMC is intended to ensure the integrity of the building and to address issues that arise in the life of the building, when maintenance issues can affect the safety of not only occupants of the building, but neighbors as well.

Manager Bahan remarked that landlord-tenant laws are more prevalent in communities that have a greater percentage of renters and he added that a PMC has been shown anecdotally to maintain property values.

Trustee Rintz observed that in exchange for rent, there is an obligation to provide a baseline shelter for the renters, irrespective of tough financial times, and that landlords do not have the option to provide substandard housing because the economy is bad. He commented that owners of buildings take the profits from owning commercial property and the write-offs when the value of the building depreciates, and that sometimes they must spend money on the upkeep of the building as well. He said he was embarrassed that Winnetka does not have a PMC; that the model code presented tonight has been widely adopted; and he believes staff is capable of customizing it to serve Winnetka's needs. For all these reasons, he was in favor of passing a PMC with the exclusion of condo buildings, and trusting staff to use the provisions judiciously.

President Tucker indicated that staff has recommended that enforcement of the proposed code be complaint-driven.

Trustee Johnson agreed that renters are owed a place to live that is habitable but that he was concerned about the costs to building owners and unintended consequences and also how it will be implemented.

Trustee Spinney agreed with all of the foregoing comments and said she looks forward to seeing what Staff puts together.

Trustee Greable said the public health, safety and welfare of residents is the main goal of the PMC and he asked if there are any legal concerns with adopting the model code.

Attorney Janega explained that the model codes are so widely used that she did not foresee a problem, and that she would ensure there is a rational basis for making the classifications when she writes the draft Ordinance.

President Tucker observed that the Council is in agreement to move forward with a property maintenance code.

Attorney Janega confirmed that staff would draft an ordinance that would be based on adopting the model property maintenance code by reference, and that the code would be applicable to multi-use buildings in the commercial districts and would exclude residential condominium units. She noted that while Winnetka's code would be customized, language similar to that used in neighboring communities will be used when applicable to keep the Village in step with a standard that is widely accepted and will help make property management more effective, especially when one individual owns property in several communities. Finally, she explained that while the process will be complaint-driven, that specific language will not be found in the ordinance, but will be made implicit through other language, such as inspection provisions.

3) Adjournment. The meeting adjourned at 10:25 p.m.

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Recording Secretary

AGENDA REPORT

SUBJECT: **Warrant Lists Nos. 1709 and 1710**

PREPARED BY: Robert Bahan, Village Manager

DATE: July 15, 2011

Warrants Lists Nos. 1709 and 1710 are enclosed in each Council member's packet.

Recommendation: Consider approving Warrants Lists Nos. 1709 and 1710.

AGENDA REPORT

TO:	Village Council
FROM:	Robert M. Bahan, Village Manager
DATE:	July 15, 2011
SUBJECT:	Resolution R-26-2011 – Approving and Establishing the Police Chief's Salary

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Attached hereto is Resolution No. R-26-2011, which formally approves and establishes the salary for the new Police Chief, Patrick Kreis.

Recommendation: Consider adoption of Resolution No. R-26-2011.

RESOLUTION R-26-2011

APPROVING AND ESTABLISHING THE SALARY OF THE CHIEF OF POLICE EFFECTIVE JULY 7, 2011

BE IT RESOLVED by the Council of the Village of Winnetka, Cook County, Illinois, as follows:

SECTION 1: In accordance with the below-referenced section of the Winnetka Village Code, the Village Council hereby approves and establishes the following salary for the Chief of Police, effective July 7, 2011.

Patrick L. Kreis	Chief of Police Section 2.60.030.B	$ 10,834.75 per month

SECTION 2: This Resolution is adopted by the Council of the Village of Winnetka in the exercise of its home rule powers pursuant to Section 6 of Article VII of the Illinois Constitution of 1970.

SECTION 3: This Resolution shall take effect immediately upon its adoption.

ADOPTED this _____ day of _____, 2011, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

Signed:

_____
Village President

Countersigned:

_____
Village Clerk

Agenda Report

Subject: **Change Order #1: 2011 Street Rehabilitation Contract**

Prepared By: Steven M. Saunders, Director of Public Works/Village Engineer

Date: July 15, 2011

Ref: May 17, 2011 Council Meeting

On May 17, 2011, the Village Council awarded a contract to A. Lamp Concrete Contractors for rehabilitation of several streets in the Village of Winnetka, for $809,579.76. This bid was well below both the Village's estimate of costs for the project ($1,203,620) and the budgeted amount for the work ($1,100,000). As a result of these favorable contract prices, staff has identified the following additional streets in need of resurfacing that could be addressed this year:

Street	**Estimated Cost**
Essex Road – Winnetka Avenue to Village Limits	$32,562
Sheridan Road north of Winnetka Avenue (to about 200 Sheridan)	$46,711
Oak Street – Locust Street to Birch Street	$38,529
Mt. Pleasant Road – west end to Locust Street	$28,440
Linden Street – Willow Road to Cherry Street	$33,010
TOTAL	**$179,252**

Adding these streets will result in a contract amount of $988,831.76, which is 111,168 below the budget for this program. Adding these streets will also allow the Village to address needed street repairs at favorable unit prices.

Staff is working with A. Lamp Concrete to verify that these streets can be added to this year's program at the contract unit prices. A. Lamp has agreed to extend their prices, however as of this writing staff is waiting to hear from some of the subcontractors. If agreement is not forthcoming, this item may need to be removed from the Council's agenda.

Recommendation:
Consider authorizing Change Order #1 to the 2011 Street Rehabilitation Program in the amount of $179,252.

AGENDA REPORT

TO: Village Council

PREPARED BY: Michael D'Onofrio, Director of Community Development

DATE: July 7, 2011

SUBJECT: 718 Hibbard Rd. Ord. M-11-2011
(1) Maximum Building Size
(2) Front Yard Setback
(3) Side Yard Setback

Ordinance M-11-2011 grants variations by Ordinance from Section 17.30.040 [Maximum Building Size], Section 17.30.050 [Front and Corner Yard Setbacks], and Section 17.30.060 [Side Yard Setback] of the Winnetka Zoning Ordinance to permit the construction of a detached garage that will result in a gross floor area of 11,200.54 s.f., whereas the maximum of 6,813.59 s.f. is permitted, a variation of 4,386.95 s.f. (64.38%), a side yard setback of 3 ft., whereas a minimum of 12 ft. is required, a variation of 9 ft. (75%), a total side yard of 17.76 ft., whereas a minimum of 30.03 ft. is required, a variation of 12.27 ft. (40.86%), and an accessory building being placed nearer the street than the principal building.

The petitioner, Vantage Design & Development, LLC, is requesting the variations in order to replace the existing front-facing detached four-car garage with a side-loaded detached three-car garage. The existing covered walkway between the residence and the garage would also be removed as part of the proposed improvement. The proposed garage would measure 23 ft. x 37 ft. The garage to be removed is 20.9 ft. x 43.01 ft. Given the reduction in the size of the proposed garage compared to the existing garage and the elimination of the covered walkway, the proposed gross floor area (GFA) of 11,200.54 s.f. is a reduction of the existing nonconforming GFA of 11,458.66 s.f. (net decrease of 258.12 s.f.).

When this residence was built in 1998 the basement and upper floor area were not included in the GFA and the residence complied with the maximum permitted GFA. However, according to the current zoning ordinance the entire basement (2,873.64 s.f.) is included in the GFA due to the height of the first floor above grade. In 2002 the zoning ordinance was amended to require basements constructed since February 7, 1989 that have a finished first floor more than 2.5 ft. above grade to be included in the GFA. In this case the first floor is 4 ft. above grade. In terms of the upper floor, there is 2,205.24 s.f. of calculable GFA at the third floor level that wasn't included in 1998 but is now according to the current zoning ordinance. In fact the extent of the upper floor GFA constitutes a third story making the residence nonconforming in terms of the maximum permitted height of 2 ½ stories.

As mentioned above, although the proposed detached garage would comply with the minimum required front yard setback of 55.1 ft. a variation is required to permit the garage to be located nearer the street than the principal building.

Also, the proposed garage is required to meet the same setbacks the residence is required to provide because the garage would not be located within the rear quarter of the lot depth. Therefore the garage is required to provide a minimum side yard setback of 12 ft. However, 3 ft. is proposed from the south property line. The proposed 3 ft. setback also reduces the total side yard provided on the lot to 17.76 ft., whereas the side yards must total a minimum of 30.03 ft.

The proposed project does eliminate the four front-facing garage doors and the extensive length of garage (43 ft.) that faces the street with a side-loaded garage (23 ft. wide) with doors facing north.

The property is located in the R-2 Single Family Residential District. As stated above, the home was built in 1998. Subsequent building permits were issued in 2011 to remove water damaged drywall and do interior remodeling. The petitioner purchased the property in February 2011. A previous variation application, Case No. 11-09-ZA to permit alterations to the existing nonconforming garage to accommodate an opening to the front door of the residence was withdrawn and the application currently before the Council was submitted.

An attached zoning matrix summarizes the work proposed under this variation request.

At its June 13, 2011 meeting the Zoning Board of Appeals voted 5-0 to recommend approval of the variations.

Introduction of the ordinance requires the concurrence of the majority of the Village Council members present.

Recommendation

Consider introduction of Ordinance M-11-2011, granting variations from the maximum building size, front yard setback, and side yard setback requirements to permit the construction of a detached garage.

ZONING MATRIX

ADDRESS: 718 Hibbard Rd.
CASE NO: 11-12-V2
ZONING: R-2

ITEM	REQUIREMENT	EXISTING	PROPOSED	TOTAL	STATUS
Min. Lot Size	24,000 SF	21,818.89 SF	N/A	N/A	EXISTING NONCONFORMING
Min. Average Lot Width	100 FT	100.09 FT	N/A	N/A	OK
Max. Roofed Lot Coverage	5,454.72 SF (1)	4,078.25 SF	(353.61) SF	3,724.64 SF	OK
Max. Gross Floor Area	6,813.59 SF (1)	11,458.66 SF	(258.12) SF	11,200.54 SF	**4,386.95 SF (64.38%) VARIATION**
Max. Impermeable Lot Coverage	10,909.44 SF (1)	8,106.09 SF	(29.2) SF	8,076.89 SF	OK
Min. Front Yard (East)	55.1 FT	65.29 FT	55.27 FT	N/A	**VARIATON REQUIRED (2)**
Min. Side Yard (South)	12 FT	13.56 FT	3 FT	N/A	**9 FT (75%) VARIATION**
Min. Total Side Yards	30.03 FT	28.32 FT	17.76 FT	N/A	**12.27 FT (40.86%) VARIATION**
Min. Rear Yard (West)	25 FT	24.68 FT	N/A	N/A	EXISTING NONCONFORMING

NOTES:

(1) Based on lot area of 21,818.89 s.f.

(2) A variation is required to allow the detached garage to be located closer to the street than the principal building.

ORDINANCE NO. M-11-2011

AN ORDINANCE GRANTING A VARIATION IN THE APPLICATION OF THE ZONING ORDINANCE OF THE VILLAGE OF WINNETKA, COOK COUNTY, ILLINOIS (718 Hibbard)

WHEREAS, the Village of Winnetka is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970, pursuant to which it has the authority, except as limited by said Section 6 of Article VII, to exercise any power and perform any function pertaining to the government and affairs of the Village; and

WHEREAS, the Council of the Village of Winnetka ("Village Council") find that establishing standards for the use and development of lands and buildings within the Village and establishing and applying criteria for variations from those standards are matters pertaining to the affairs of the Village; and

WHEREAS, the property commonly known as 718 Hibbard Road, Winnetka, Illinois (the "Subject Property"), is legally described as follows:

> Lot 1 in Sullivan's Subdivision of part of the Southeast ¼ of the Southeast ¼ of Section 18, Township 42 North, Range 13 East of the Third Principal Meridian, according to the Plat thereof recorded February 5, 1979 as Document No. 24830258 in Cook County, Illinois; and

WHEREAS, the Subject Property is located in the R-2 Zoning District provided in Chapter 17.24 of the Winnetka Zoning Ordinance, Title 17 of the Winnetka Village Code; and

WHEREAS, on May 10, 2011, the owner of the Subject Property filed an application for the following variations from requirements of the Lot, Space, Bulk and Yard Regulations for Single Family Residential Districts established by Chapter 17.30 of the Zoning Ordinance: (a) a variation from the gross floor area limitations of Section 17.30.040 to permit a gross floor area of 11,200.54 square feet, whereas the maximum allowed is 6,813.59, resulting in a variation of 4,386.95 square feet (64.38%); (b) a variation from the front yard setback requirements for accessory buildings of Section 17.30.050 to permit a detached garage to be located nearer the street than the principal building; (c) a variation from the side yard setback requirements of Section 17.30.060 to allow a south side yard setback of 3 feet, whereas 12 feet is required, resulting in a variation of 9 feet (75%); (d) a variation from the total side yard requirements of Section 17.30.060

to permit the sum of the side yards to be 17.76 feet, whereas a minimum of 30.03 feet is required, resulting in a variation of 12.27 feet (40.86%), all of said variations being requested in order to replace the existing front-facing, detached four-car garage with a side-loaded, detached three-car garage; and

WHEREAS, on June 13, 2011, on due notice thereof, the Zoning Board of Appeals conducted a public hearing on the requested variations and, by the unanimous vote of the five members then present, has reported to the Council recommending that the requested variations be granted; and

WHEREAS, there are practical difficulties and particular hardships associated with carrying out the strict application of the Zoning Ordinance with respect to the Subject Property in that: (a) the Subject Property is an irregular, L-shaped lot that is formed by one rectangular portion that is 72.85 feet wide by 218.00 feet deep and that extends westward from its Hibbard Road frontage, and a second, smaller rectangular portion that is 46.71 feet deep and 127.15 feet wide and that attaches to and extends northward from the rear 46.71 feet of the larger rectangular portion, creating a 200.00 foot long rear lot line; (b) the Subject Property has a legally nonconforming lot area of 21,818.89 square feet, which is 2,182 square feet smaller than the required minimum lot size in the R-2 Single Family Residential Zoning District; (c) the Subject Property is improved with a single family home that was constructed in 1998 near the rear of the larger rectangular portion, with a four-car garage that is approximately the same width as the house, has all four doors facing Hibbard Road and extends across the front of the house between the house and the street; (d) as the result of amendments to the Zoning Ordinance since the residence and garage were constructed require that the basement and upper floor of the residence now be included in calculating the gross floor area, the gross floor area on the Subject Property exceeds the permitted maximum building size by 4,645.07 square feet; (e) as the result of amendments to the Zoning Ordinance since the residence and garage were constructed, the existing garage is nonconforming with regard to its height, location and the expanse of the garage doors facing the street; (f) due to the location of the residence on the Subject Property, it is not reasonably possible to locate a garage at the rear of the Subject Property and the only practical location for a garage on the Subject Property is in the area between the house and Hibbard Road; and (g) the proposed new garage will replace the nonconforming garage with a new, side-loading garage that is lower in height, will reduce roofed lot coverage, will reduce the nonconforming gross floor area by 258.12 feet and will allow the front of

the Subject Property to be reconfigured so that the front of the residence will be visible from the street; and

WHEREAS, the Subject Property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the Zoning Ordinance, in that (a) due to the location of the house and the L-shape of the Subject Property the garage cannot reasonably located at the rear of the Subject Property; and (b) the legally nonconforming gross floor area and building height cannot be cured without removing and rebuilding the house; and

WHEREAS, the requested variations will improve the Subject Property and make it consistent with the essential character of the neighborhood, in that the variations, if granted: (a) will reduce the scale of the garage; (b) will make the actual home visible from the street; (c) will allow the new garage to be located in a manner consistent with front yard coach house configurations that exist on other properties in the Village, and (d) will eliminate a garage that was recognized as incompatible with the Village's land use patterns as soon as it was constructed and that led to the very Zoning Ordinance amendments that rendered the garage nonconforming; and

WHEREAS, the requested variations will not impair an adequate supply of light and air, (a) because the height of the proposed new garage will be reduced from the current 27 feet to 15 feet; (b) because the house on the property to the south is a corner lot that has been developed with a single family residence that faces and is set closer to its Hackberry Lane frontage, so that the proposed new garage therefore will not cast shadows into living spaces or open areas on the adjoining properties; and

WHEREAS, the requested variations will not increase the hazard from fire and other dangers to the Subject Property, as the proposed construction will comply with all applicable building and fire protection codes and the new configuration of the front of the Subject Property will make the Subject Property and its principal building more readily visible and accessible for firefighting and other emergencies; and

WHEREAS, the requested variations will not diminish the taxable value of land and buildings throughout the Village, and the taxable value of the Subject Property may be increased because the variation, if granted, will eliminate a garage that is incompatible with the Village's land use patterns; and

WHEREAS, the proposed construction will not contribute to congestion on the public streets, as the property will continue to be used for single family residential purposes; and

WHEREAS, there is no evidence that the requested variations will otherwise impair the public health, safety, comfort, morals, and welfare of the inhabitants of the Village; and

WHEREAS, the requested variations are in harmony with the general purpose and intent of the Winnetka Zoning Ordinance, in that the garage that will be replaced is incompatible with the land use patterns in the immediate vicinity and in the Village, because: (a) it has four front-facing doors that create the entire building frontage facing Hibbard Road; (b) it totally obscures the house behind it; and (c) its 27-foot height makes it nearly the height of many single family residences in the Village; and

WHEREAS, the requested variations are also in harmony with the general purpose and intent of the Winnetka Zoning Ordinance, in that they: (a) will eliminate the nonconformities that characterize the existing garage, which has been described as an eyesore and led to the enactment of Zoning Ordinance amendments that would prohibit the construction of a similar garage in the future; (b) will reduce the amount of impermeable surface and the gross floor area on the Subject Property; (c) will restore the appearance of the Subject Property to a scale and appearance that are consistent with the surrounding neighborhood; and (d) will increase open space and protect established trees and landscaping.

NOW, THEREFORE, the Council of the Village of Winnetka do ordain as follows:

SECTION 1: The foregoing recitals are hereby incorporated as the findings of the Council of the Village of Winnetka, as if fully set forth herein.

SECTION 2: The Subject Property, commonly known as 718 Hibbard Road and located in the R-2 Single-Family Residential District provided in Chapter 17.24 of the Winnetka Zoning Ordinance, Title 17 of the Winnetka Village Code is hereby granted the following variations from requirements of the Lot, Space, Bulk and Yard Regulations for Single Family Residential Districts established by Chapter 17.30 of the Zoning Ordinance: (a) a variation from the gross floor area limitations of Section 17.30.040 to permit a gross floor area of 11,200.54 square feet, whereas the maximum allowed is 6,813.59, resulting in a variation of 4,386.95 square feet (64.38%); (b) a variation from the front yard setback requirements for accessory buildings of Section 17.30.050 to permit a detached garage to be located nearer the street than the principal building; (c) a variation from the side yard setback requirements of Section 17.30.060 to allow a south side yard setback of 3 feet, whereas 12 feet is required, resulting in a variation of 9 feet (75%); (d) a variation from the total side yard requirements of Section 17.30.060 to permit the sum of the side yards to be 17.76

feet, whereas a minimum of 30.03 feet is required, resulting in a variation of 12.27 feet (40.86%), all of said variations being granted in order to replace the existing front-facing, detached four-car garage with a side-loaded, detached three-car garage, in accordance with the plans and elevations submitted with the application for variations.

SECTION 3: The variations granted herein are conditioned upon the commencement of the proposed construction within 12 months after the effective date of this Ordinance.

SECTION 4: This Ordinance is passed by the Council of the Village of Winnetka in the exercise of its home rule powers pursuant to Section 6 of Article VII of the Illinois Constitution of 1970.

SECTION 5: This Ordinance shall take effect immediately upon its passage, approval and posting as provided by law.

PASSED this _____ day of _____, 2011, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this _____ day of _____, 2011

Signed:

_____
Village President

Countersigned:

_____
Village Clerk

Introduced: _____

Posted: _____

Passed and Approved: _____

Posted: _____

CASE NO. 11-12-V2

APPLICATION FOR VARIATION
WINNETKA ZONING BOARD OF APPEALS

Owner Information:

Name: VANTAGE DESIGN & DEVELOPMENT, LLC.

Property Address: 718 HUBBARD RD.

Home and Work Telephone Number: 847-615-0005

Fax and E-mail: jbmatrix@yahoo.com

Architect Information: Name, Address, Telephone, Fax & E-mail:

SCOTT K. RENKEN, ARCHITECT.
198 E. WESTMINSTER, LAKE FOREST, IL 60045
847-343-8162 - FAX: 847-615-2144 - scottrenken1@comcast.net

Attorney Information: Name, Address, Telephone, Fax & E-mail:

Date Property Acquired by Owner: 02.16.11

Nature of Any Restrictions on Property:

Explanation of Variation Requested:
(Attach separate sheet if necessary)

DEMOLISH EXISTING NON-CONFORMING GARAGE & REPLACE IT WITH A NEW, SMALLER GARAGE (IN AREA AND HEIGHT) WITH SIDE-FACING GARAGE DOORS IN FRONT YARD. EVEN WITH THE REDUCTION IN AREA, THE PROPERTY WOULD STILL BE IN NON-COMPLIANCE WITH THE CURRENT FLOOR AREA RATIO REGULATIONS.

OFFICE USE ONLY

Variation Requested Under Ordinance Section(s):

Staff Contact: Date:

RECEIVED
MAY 10 2011
BY:

STANDARDS FOR GRANTING OF ZONING VARIATIONS

Applications must provide evidence and explain in detail the manner wherein the strict application of the provisions of the zoning regulations would result in a clearly demonstrated practical difficulty or particular hardship. In demonstrating the existence of a particular difficulty or a particular hardship, please direct your comments and evidence to **each** of the following items:

1. The property in question can not yield a reasonable return if permitted to be used only under the conditions allowed by regulations in that zone.

2. The plight of the owner is due to unique circumstance. Such circumstances must be associated with the characteristics of the property in question, rather than being related to the occupants.

3. The variation, if granted, will not alter the essential character of the locality.

4. An adequate supply of light and air to the adjacent property will not be impaired.

5. The hazard from fire and other damages to the property will not be increased.

6. The taxable value of the land and buildings throughout the Village will not diminish.

7. The congestion in the public street will not increase.

8. The public health, safety, comfort, morals, and welfare of the inhabitants of the Village will not otherwise be impaired.

For your convenience, you will find attached examples of general findings, for and against the granting of a variation, which have been made by the Zoning Board of Appeals and Village Council in prior cases.

NOTE: The Zoning Board of Appeals or the Village Council, depending on which body has final jurisdiction, must make a finding that a practical difficulty or a particular hardship exists in order to grant a variation request.

Property Owner's Signature: _____ Date: 05/10/2011

(Proof of Ownership is required)

Variations, if granted, require initiation of construction activity within 12 months of final approval. Consider your ability to commence construction within this 12 month time period to avoid lapse of approvals.

SCOTT K. RENKEN, ARCHITECT

May 9, 2011
Village of Winnetka
Anita Lichterman, Permit Coordinator
510 Green Bay Rd.
Winnetka, IL.

Re: Variation Request
718 Hibbard Rd.
Winnetka, Illinois

RECEIVED
MAY 10 2011
BY:

Dear Ms. Lichterman:

On behalf of the Property Owner, Vantage Design and Development LLC, I am providing this letter of explanation for this variance request. In general, we proposed to replace the existing 4-car garage which is located in the front of the lot and faces the street with a side loaded 3-car garage also located in the front of the lot.

We propose a reduction in the Gross Floor Area by 48.13 sq. ft. Even with this reduction, the Gross Floor Area would still be above current Zoning Code limits because the existing first floor is 4'-0" above grade, thereby causing the existing basement to be counted. Here are the GFA figures:

- Allowable GFA 6,814.12
- Proposed GFA w/o basement 6,000.34
- Proposed GFA w/ basement 8,600.35

The proposed garage would encroach into the required side yard in order to expose the home to the street and make the property more in keeping with the essential character of the community. Currently the home is virtually hidden from the street by the current garage.

In addition, the current garage does not comply with the maximum allowed garage door width facing the street (18 feet). There are 4 @ 8'-6" wide garage doors for a total of 34 lineal feet of garage door facing the street. We propose a new structure with a total of 27 lineal feet (3 @ 9'-0" doors) of garage doors facing the lot directly to the north of the subject property, not the street, therefore removing the existing nonconformity.

We believe the proposed changes to the existing attached garage comply with the eight standards for granting of zoning variations in the Village of Winnetka:

198 E. Westminster Lake Forest, Il. 60045 Ph: 847-343-8162 Fax: 847-615-2144

SCOTT K. RENKEN, ARCHITECT

1. **The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by current regulations in this zoning district** since they do not allow a detached garage to be located in the front yard. This is the only practical location to place a garage in this case due to the unusual shape of the lot and the location of the existing residence. Regulations do not allow more than 27 lineal feet of garage door width facing the street, therefore any alterations to the existing garage would require a variation. We feel the garage needs to be altered because the current configuration does not allow for a readily identifiable entrance for emergencies or general use. In addition, the location and size of the existing garage give this property a notable negative reputation for not fitting in within the community.

2. **The plight of the owner is due to unique circumstances. Such circumstances are associated with the characteristics of the property in question, rather than being related to the occupants:**

   a) The existing home, built around 1999, is set back to the rear of the property requiring the garage to be located in the front yard.
   b) The current garage violates current zoning regulations in height, location and garage door length facing the street.
   c) The current property has developed a negative reputation in the community because of the current garage location and scale.

3. **The proposed new garage and associated variations will make the home fit into the essential character of the community**, unlike the current garage which is unlike any other structure in Winnetka. The home would be visible from the street and the proposed layout works well with the existing driveway location and configuration. The current nonconformity regarding the garage doors facing the street would be alleviated by the proposed 3-car side loaded garage. In fact, the current garage door frontage regulations were a reaction to this home. We feel the proposed location of the garage 3 feet away from the south property line is necessary to expose a majority of the home and create an axial and symmetrical flow of the existing and proposed gravel drive approach which would be more in keeping with the character of the community. The proposed configuration is similar to other properties in the village that have detached coach houses / garages in the front yard perpendicular to the home such as:
   - 181 Sheridan Rd.
   - 375 Sheridan Rd.
   - 425 Sheridan Rd.
   - 435 Sheridan Rd.
   - 595 Sheridan Rd.

   See attached pictures of the properties mentioned above.

4. **An adequate supply of light and air to the adjacent properties will not be impaired.** The proposed alterations reduce the overall mass of the structure in the lot.

198 E. Westminster Lake Forest, Il. 60045 Ph: 847-343-8162 Fax: 847-615-2144

SCOTT K. RENKEN, ARCHITECT

5. **The proposed alterations to the property would not increase the hazard from fire and other damages to the property**. In fact,. the proposed configuration would make emergency access to the existing home more efficient.

6. **The taxable value of the land and buildings throughout the Village would not diminish with the proposed alterations to the property.** We believe the proposed alterations to the property would improve the value of the land and buildings in the property.

7. **The congestion in the public street will not increase.** We are preserving the current curb cut for the driveway and retaining adequate parking surface for visitors to the property.

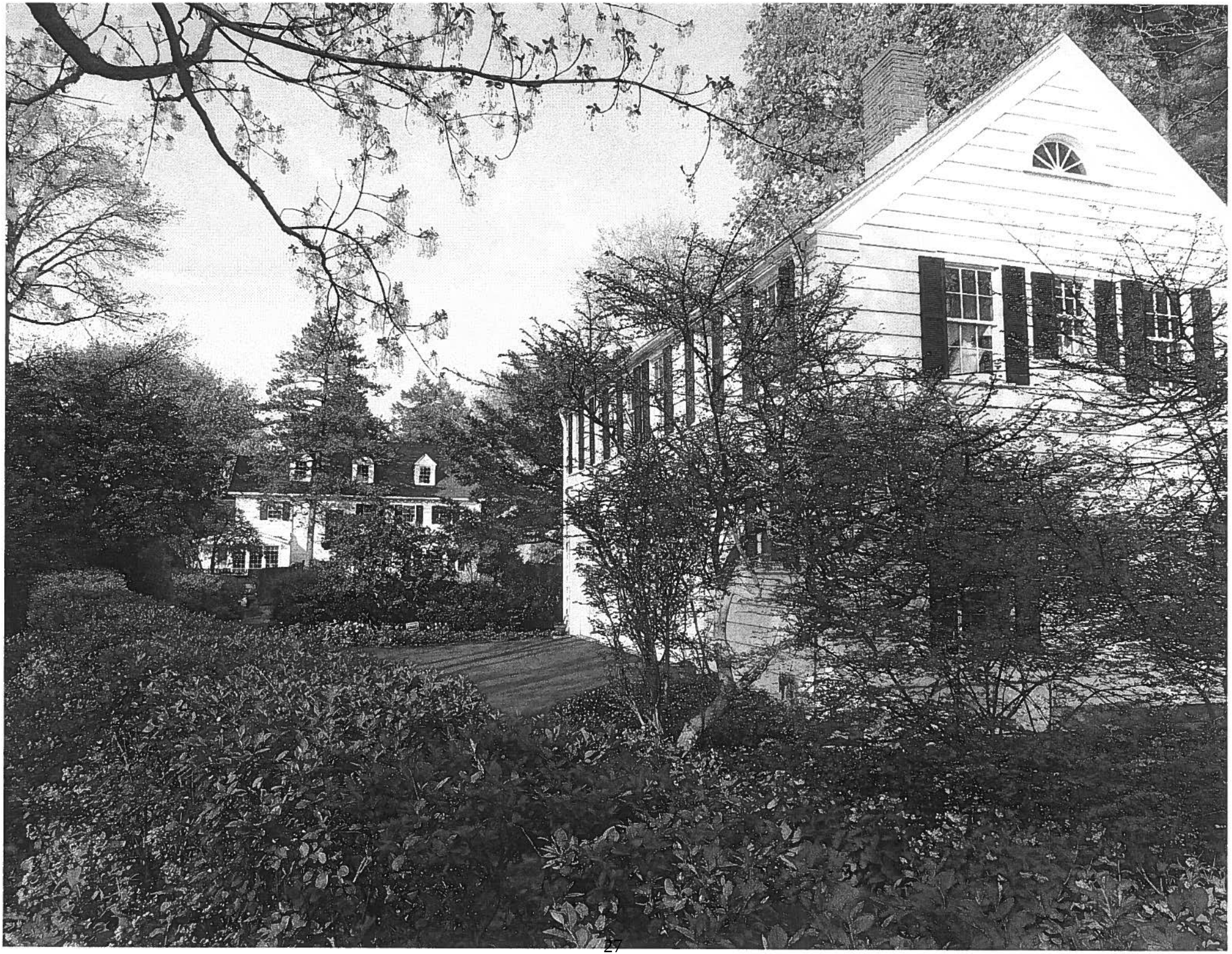
8. **The public health, safety, comfort, morals and welfare of the inhabitants of the Village will not otherwise be impaired by the proposed alterations to the property.** It will be designed to comply with all applicable building codes.

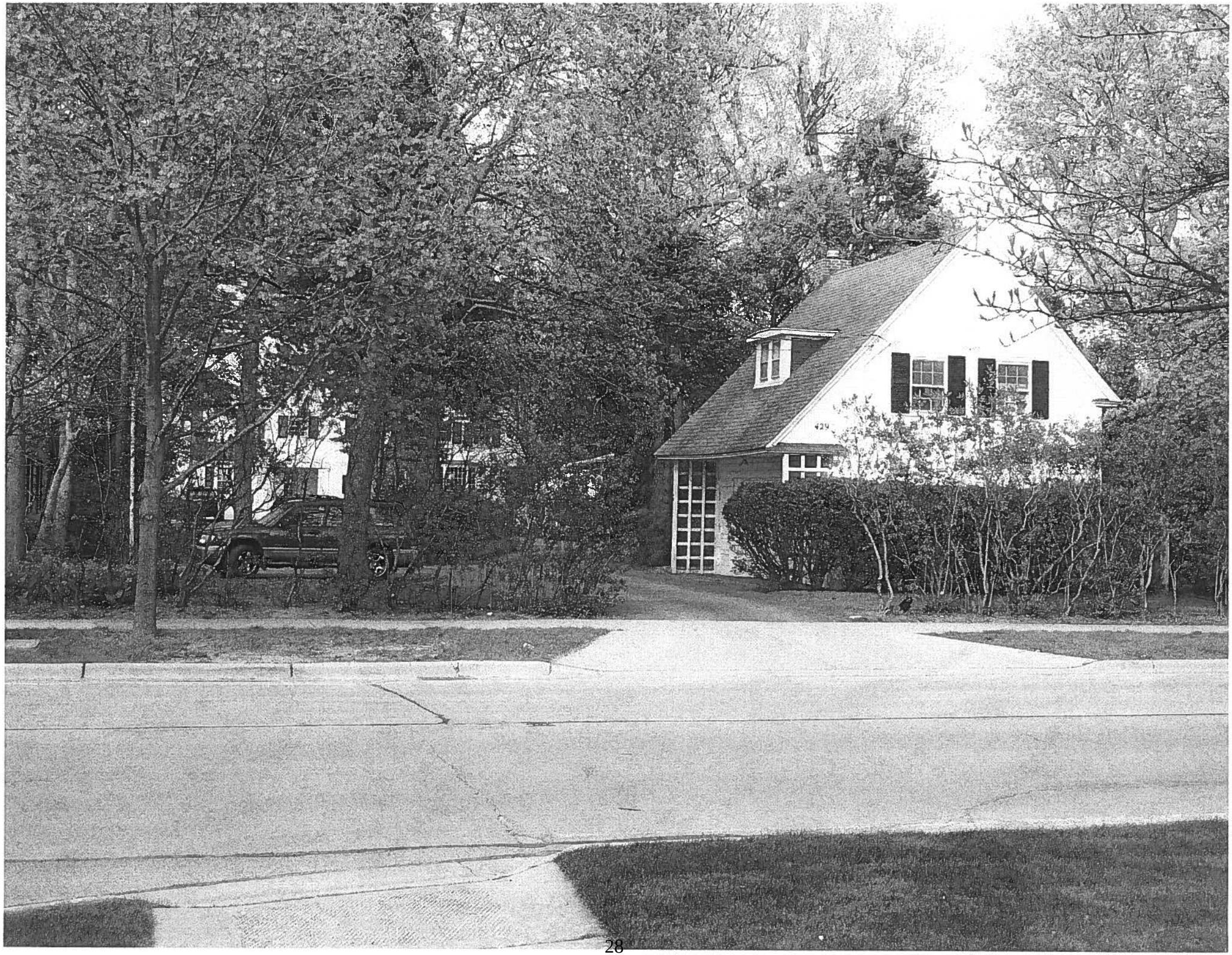
Sincerely,

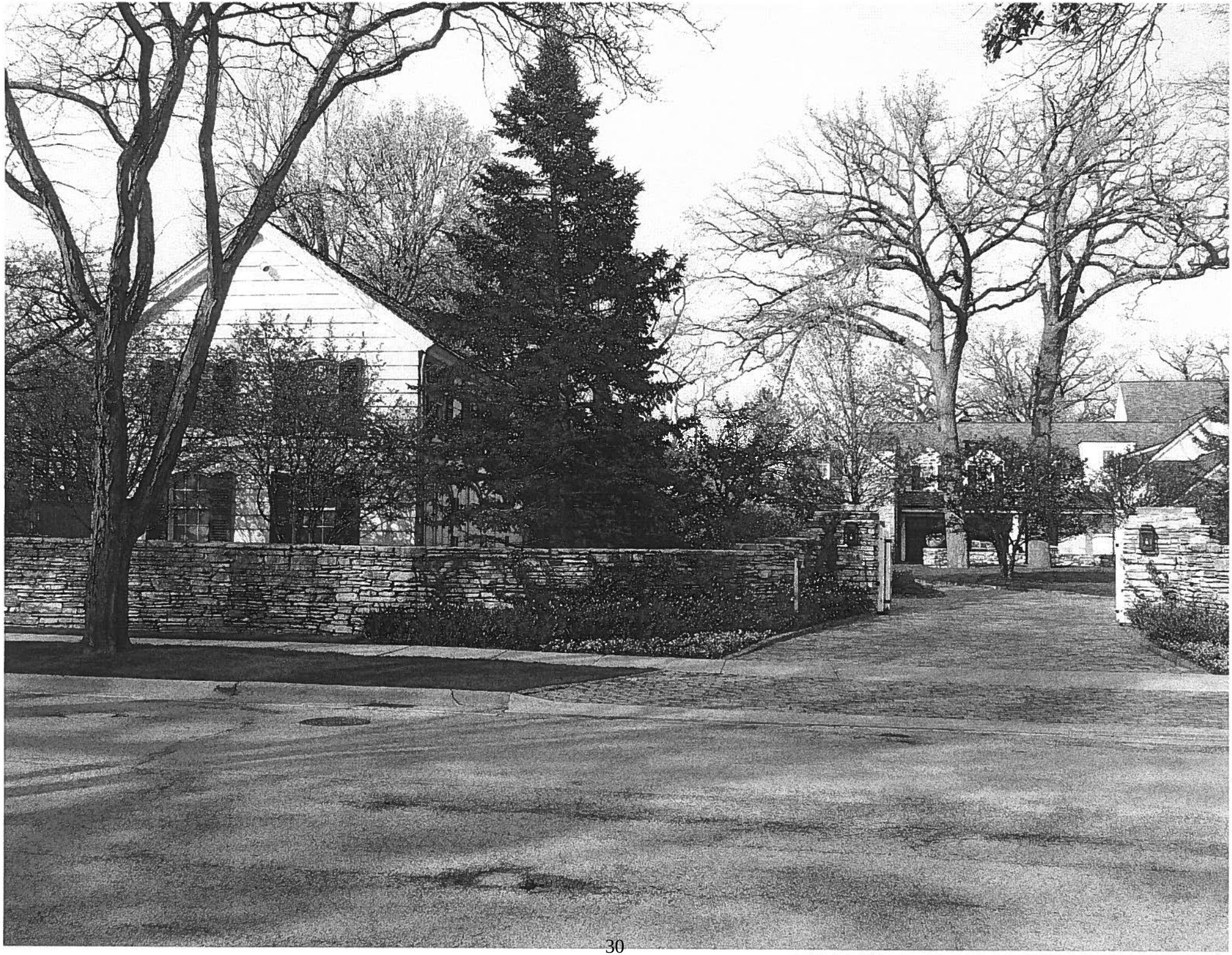
STATE OF ILLINOIS
SCOTT
K.
RENKEN
1-9004
REGISTERED ARCHITECT

Scott K. Renken, Architect

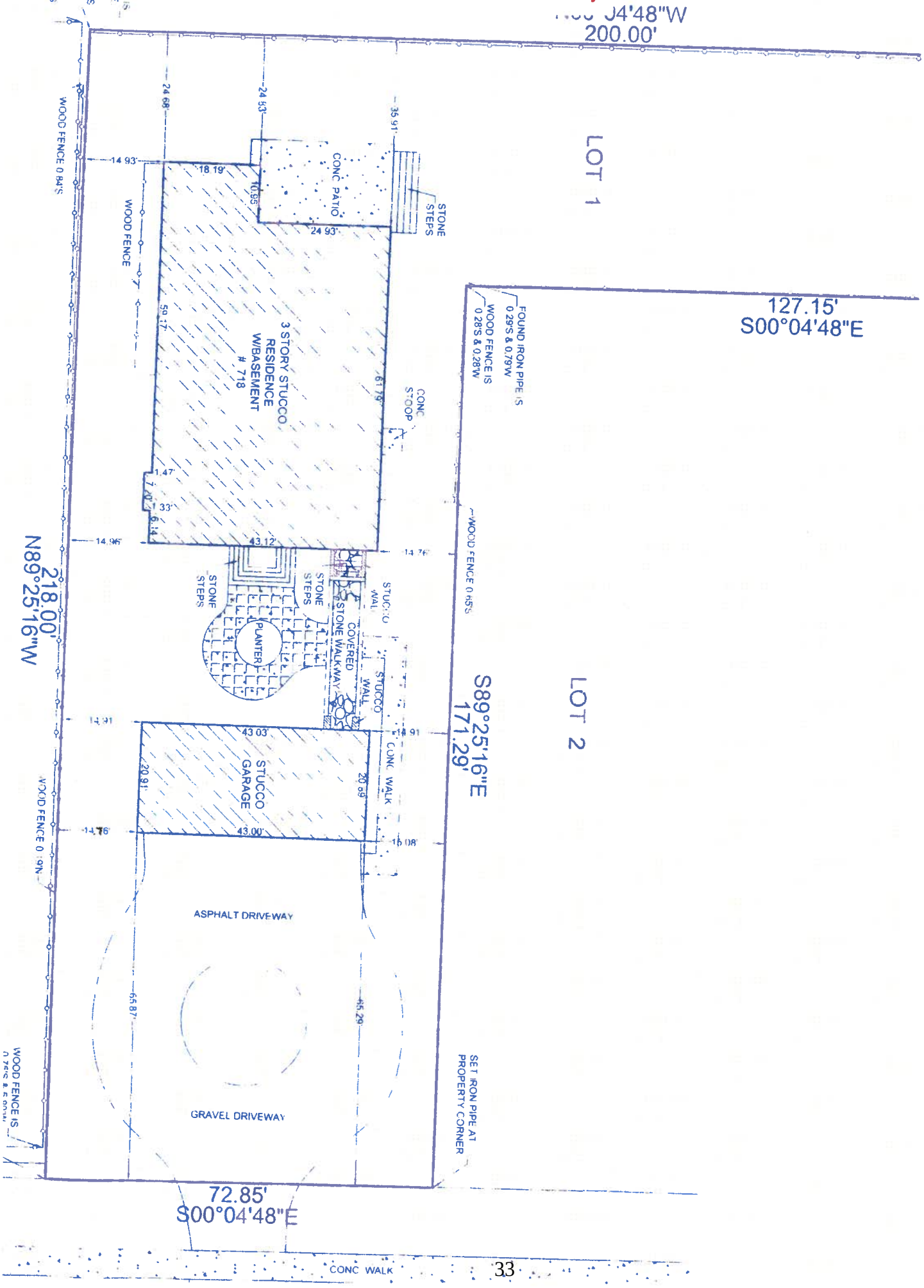
198 E. Westminster Lake Forest, Il. 60045 Ph: 847-343-8162 Fax: 847-615-2144





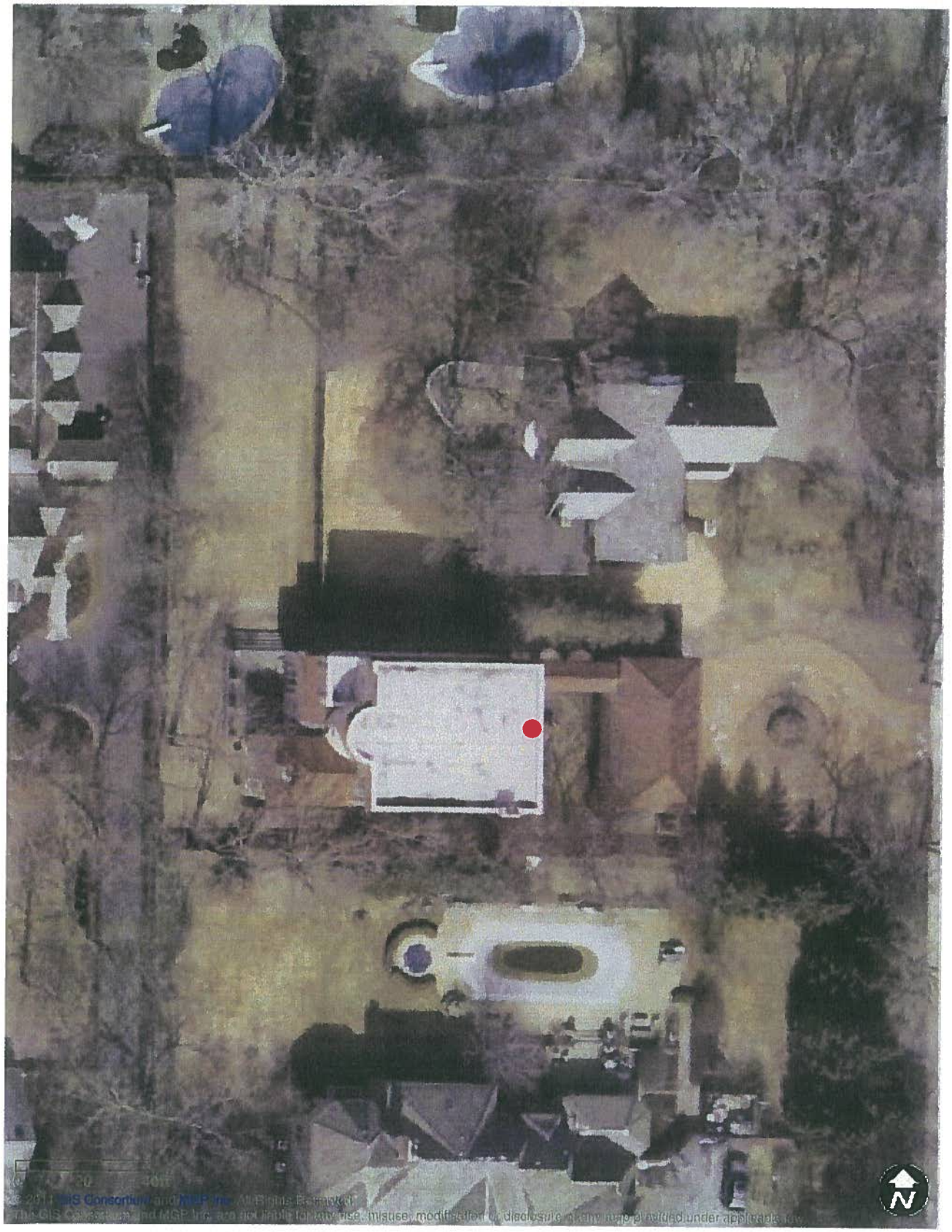


2011 Plat of Survey



GIS consortium MapOffice™ *718 Hibbard Rd.*

Created By mgp inc



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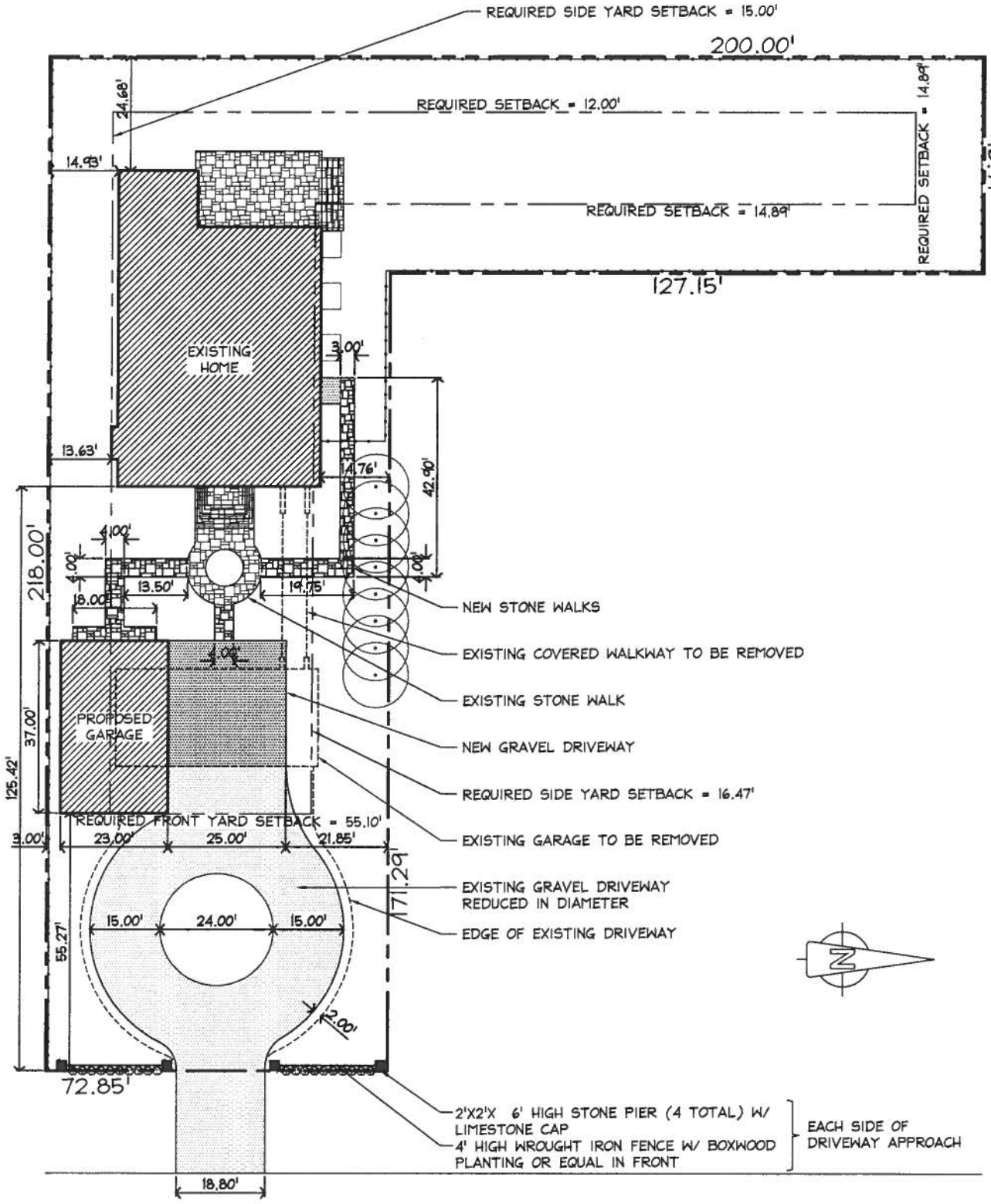
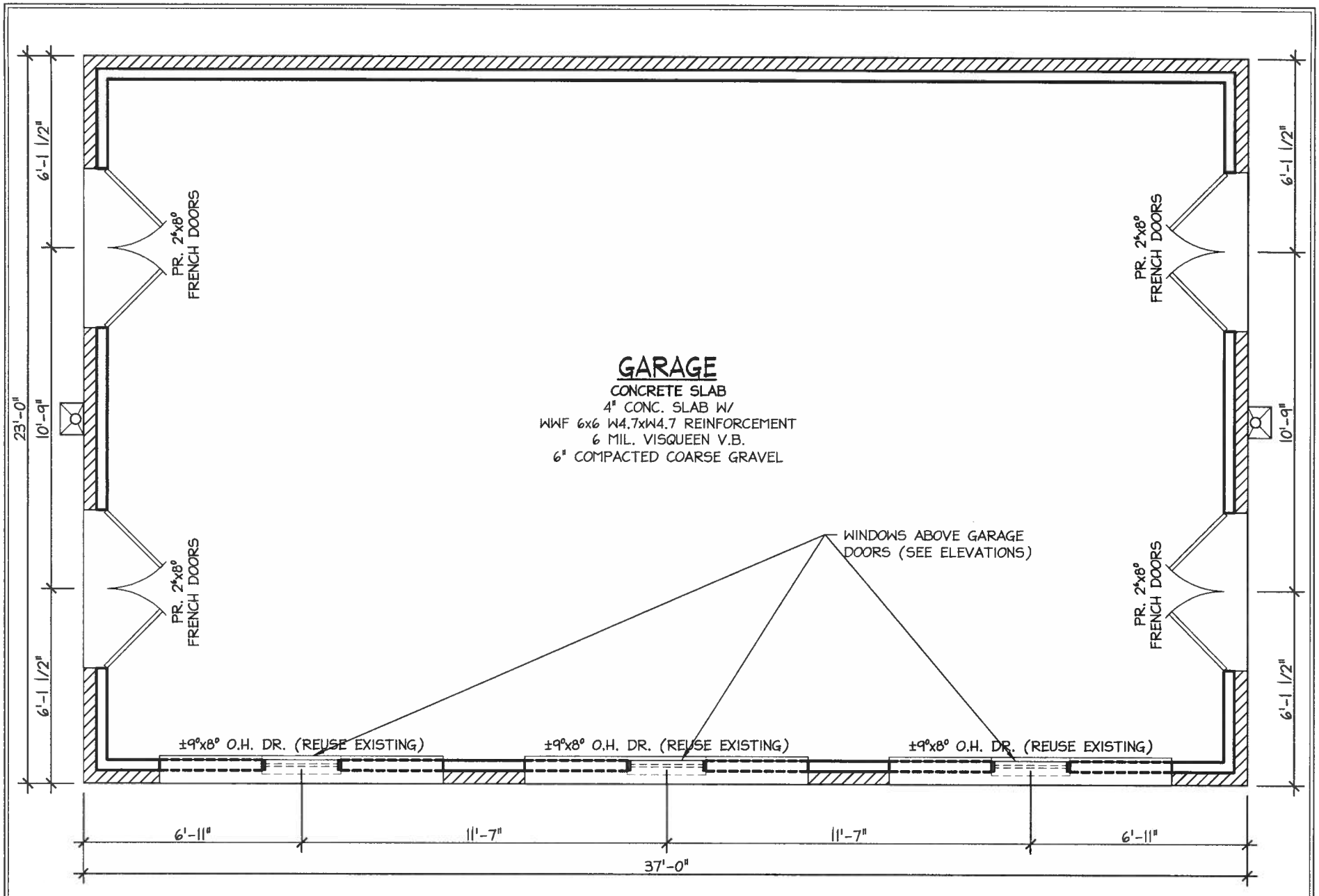


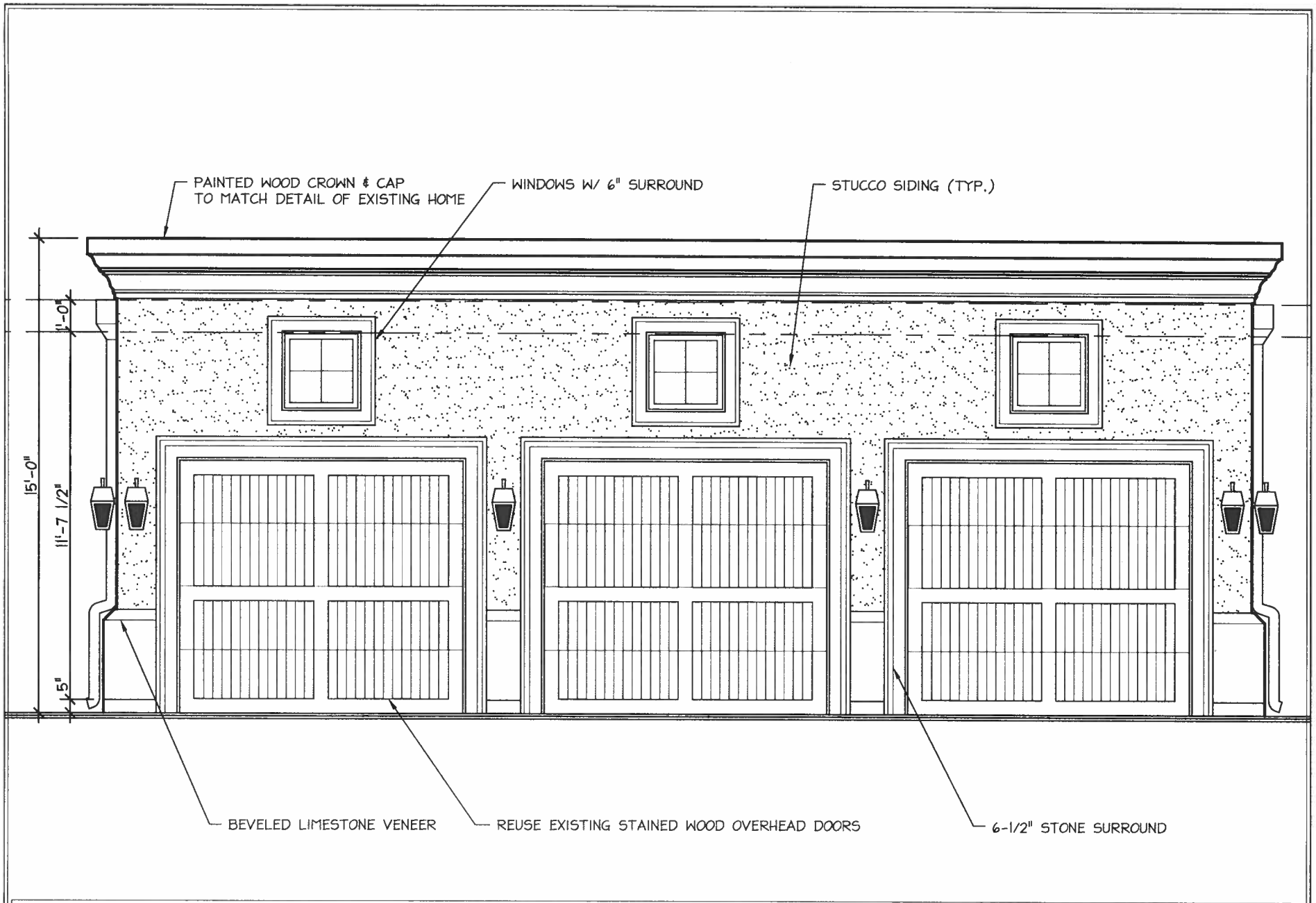
PROPOSED SITE PLAN
NEW GARAGE AT 718 HIBBARD - WINNETKA
© SCOTT K. RENKEN, ARCHITECT

SCALE: 1"=30'-0"
05/09/2011
SHEET 1 OF 6



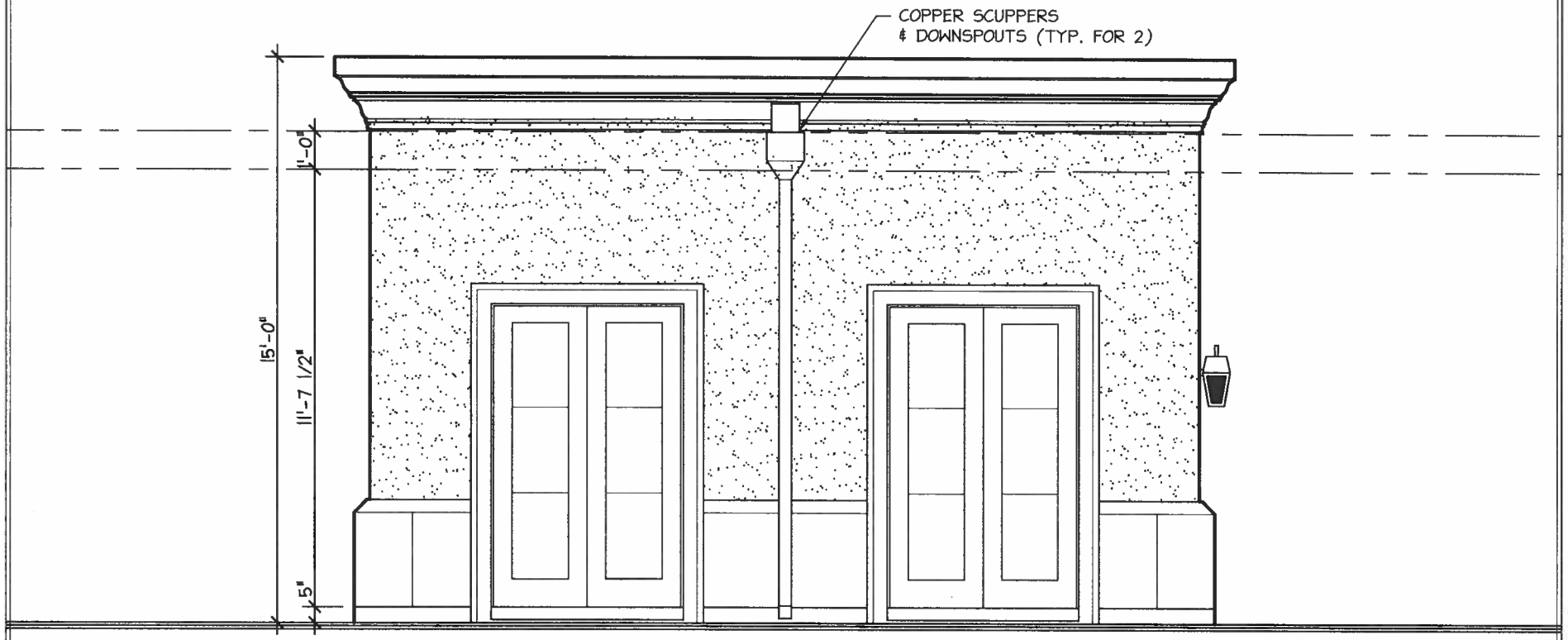
PROPOSED GARAGE FLOOR PLAN
NEW GARAGE AT 718 HIBBARD - WINNETKA
© SCOTT K. RENKEN, ARCHITECT

SCALE: 1/4"=1'-0"
05/09/2011
SHEET 2 OF 6



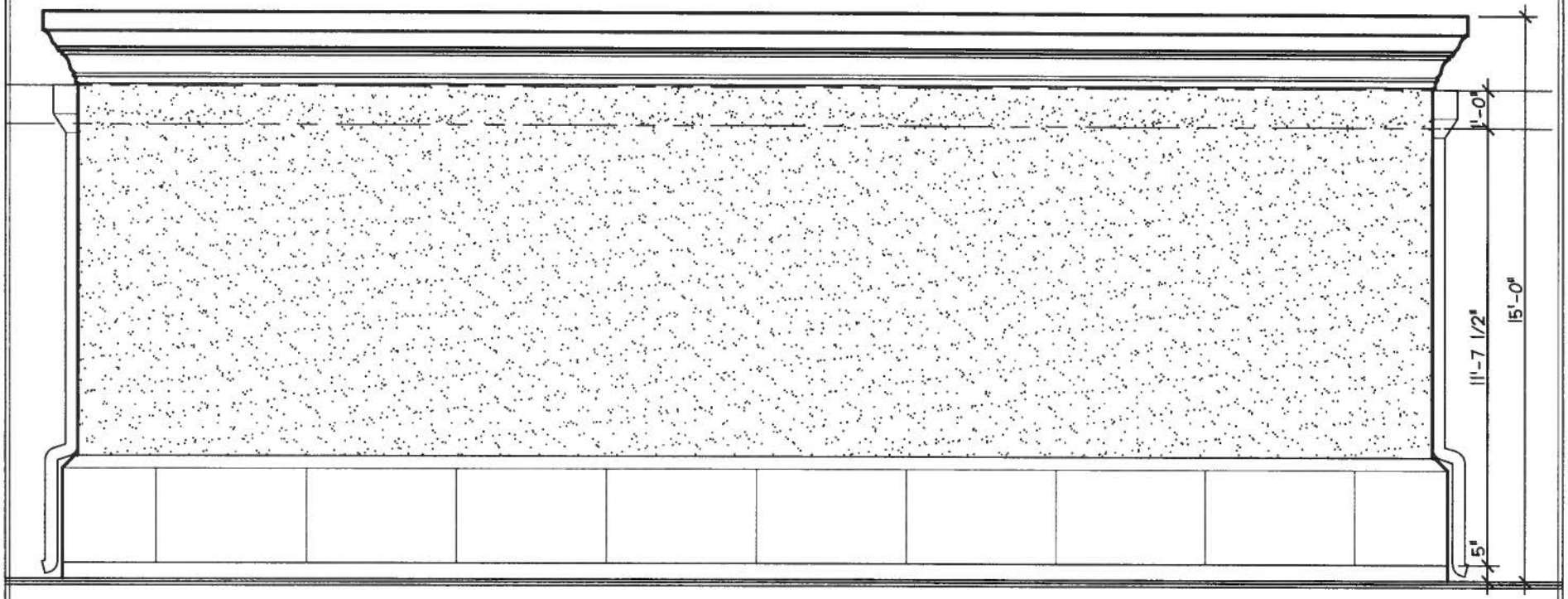
RIGHT SIDE (NORTH) ELEVATION
NEW GARAGE AT 718 HIBBARD - WINNETKA
© SCOTT K. RENKEN, ARCHITECT

SCALE: 1/4"=1'-0"
05/09/2011
SHEET 3 OF 6



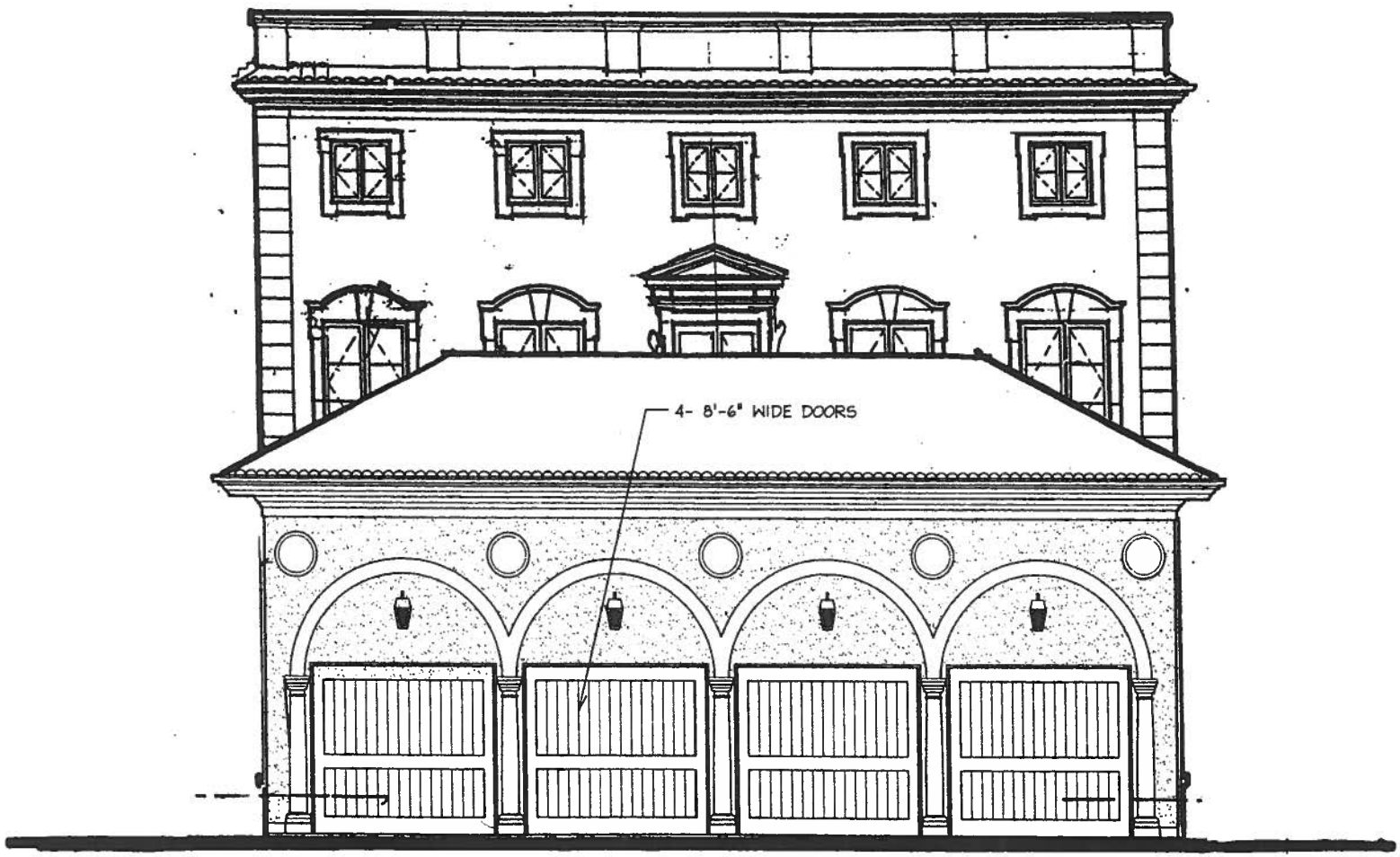
FRONT (EAST) ELEVATION
NEW GARAGE AT 718 HIBBARD - WINNETKA
© SCOTT K. RENKEN, ARCHITECT

SCALE: 1/4"=1'-0"
05/09/2011
SHEET 4 OF 6



LEFT (SOUTH) ELEVATION
NEW GARAGE AT 718 HIBBARD - WINNETKA
© SCOTT K. RENKEN, ARCHITECT

SCALE: 1/4"=1'-0"
05/09/2011
SHEET 5 OF 6



EXISTING STREETSCAPE ELEVATION
NEW GARAGE AT 718 HIBBARD RD. - WINNETKA
© SCOTT K. RENKEN, ARCHITECT

SCALE: 1/8"=1'-0"
05/09/2011
SHEET 6 OF 6

PROPOSED STREETSCAPE ELEVATION
NEW GARAGE AT 718 HIBBARD RD. - WINNETKA
© SCOTT K. RENKEN, ARCHITECT

SCALE: 1/8"=1'-0"
05/09/2011
SHEET 7 OF 7

Ann Klaassen

From: Ann Klaassen
Sent: Friday, June 10, 2011 3:44 PM
To: 'Richard Thorsen'
Cc: Michael D'Onofrio; Bill Krucks; Carl Lane (carlslane@comcast.net); Jim McCoy; Joe Adams; joni_johnson@post.harvard.edu; Mary Hickey (hickeyalbc@comcast.net); Mary Hickey (mhickey@heartbase.net); Scott Myers (smyers432@gmail.com)
Subject: RE: Zoning Board Hearing Monday June 13 11-12-V2 718 Hibbard Road

Attachments: Hibbard, 718 Agenda Packet.pdf

Hibbard, 718 Agenda Packet.pdf...

Mr. Thorsen,
As we discussed on the phone this afternoon, please find attached the agenda packet for the 718 Hibbard Rd. zoning variation. I am also copying your email to all the members of the ZBA so they are aware of your concerns. Please feel free to contact me with any additional questions.
Best regards,
Ann Klaassen
847.716.3525

-----Original Message-----
From: Richard Thorsen [mailto:richt2020@gmail.com]
Sent: Friday, June 10, 2011 2:58 PM
To: Ann Klaassen
Subject: Fwd: Zoning Board Hearing Monday June 13 11-12-V2 718 Hibbard Road

---------- Forwarded message ----------
From: Richard Thorsen <richt2020@gmail.com>
Date: Fri, Jun 10, 2011 at 10:51 AM
Subject: Zoning Board Hearing Monday June 13 11-12-V2 718 Hibbard Road
To: smyers432@gmail.com
Cc: john.mcgowan@rbc.com

Mr. Myers,

The scheduled request for multiple variances for the above mentioned house has raised a great deal of concern among the neighbors. This property has a notorious history with questions of the developer's relationship with the village and how the incongruous building was approved when the design is more appropriate for a commercial building in Waukegan. The imposing garage is completely inconsistent with the character of the surrounding houses. It is a flat out embarrassment in the neighborhood and in the Village for allowing it to be built.

I will not be able to attend the meeting. The surrounding residents deserve to be advised in non regulatory language regarding the nature of these requests as well as the justifications for each. This should be provided in advance in writing, particularly in view of the apparent ordinance violations.

In addition, if a developer applied to built this exact building on this lot today, would it be approved (1) from a building foot print to lot size?, (2) As a Front Yard as defined in the ordinance? (3) As a Side Yard as defined

in the ordinance? (4) Would it be in compliance with the design ordinances? (5) Has the impact on the Flood Plain been analyzed? (6) Would it be in complete compliance with the Flood Hazard Protection Ordinance and (7)There are issues currently being addressed in the area regarding flooding which are being analyzed, but have not been committed to ordinance. What is the Village Engineer's analysis of all these issues and how they are being addressed in regard to this property?

With these multiple concerns, each of the these concerns needs to be addressed in advance, not after a variance is granted. The neighbors should be provided with a written opinion from the Village of Winnetka engineer that all current regulations and issues being analyzed have been considered and that these variances do not violate the actual ordinances or the spirit of the regulations or property issues of concern to the Village of Winnetka when viewed in their entirety.

Richard P. Thorsen

WINNETKA ZONING BOARD OF APPEALS
JUNE 13, 2011

Zoning Board Members Present:	Joe Adams, Chairman Mary Hickey Bill Krucks Jim McCoy Scott Myers
Zoning Board Members Absent:	Carl Lane Joni Johnson
Village Staff:	Michael D'Onofrio, Director of Community Development Ann Klaassen, Planning Assistant
Agenda Items:	
Case No. 11-12-V2:	718 Hibbard Rd. Vantage Design & Development, LLC Variations by Ordinance 1. Maximum Building Size 2. Front Yard Setback 3. Side Yard Setback

Minutes of the Zoning Board of Appeals
June 13, 2011

Call to Order:

Chairman Adams called the meeting to order at 7:34 p.m.

718 Hibbard Rd., Case No. 11-12-V2, Vantage Design & Development, LLC, Variations by Ordinance: (1) Maximum Building Size. (2) Front Yard Setback and (3) Side Yard Setback

Mr. D'Onofrio read the public notice. The purpose of this hearing is to hear testimony and receive public comment regarding a request by Vantage Design & Development, LLC concerning variations by Ordinance from Section 17.30.040 [Maximum Building Size], Section 17.30.050 [Front and Corner Yard Setbacks], and Section 17.30.060 [Side Yard Setback] of the Winnetka Zoning Ordinance to permit the construction of a detached garage that will result in a gross floor area of 11,200.54 square feet, whereas the maximum of 6,813.59 square feet is permitted, a variation of 4,386.95 square feet (64.38%), a side yard setback of 3 ft., whereas a minimum of 12 ft. is required, a variation of 9 ft. (75%), a total side yard of 17.76 ft., whereas a minimum of 30.03 ft. is required, a variation of 12.27 ft. (40.86%), and an accessory building

DRAFT

being placed nearer the street than the principal building.

Chairman Adams swore in those that would be speaking on this case.

Scott Renken, 198 E. Westminster in Lake Forest, introduced himself to the Board as the architect representing Vantage Design & Development. He stated that as the architect for the proposed new garage, he informed the Board that the home was built in 1998 and that the existing garage does not meet the zoning ordinance in a number of ways. Mr. Renken stated that it is too tall and too bulky and that as an accessory structure, it is not allowed in the front yard. He indicated that all they want to do is to replace the garage and that the ordinance changed after the home was built when basements were not counted toward the GFA. Mr. Renken stated that if it was 2½ feet and previously, basements were allowed to be 4 feet out of the ground. He also stated that the ordinance stated that they cannot have 2½ feet of the basement out of the ground which created bulk.

Mr. Renken stated that another ordinance which is currently violated was instituted in 2002 with regard to the garage door and the fact that its lineal footage is facing the street which cannot be more than 27 lineal feet. He noted that they would be alleviating that situation which currently existed. Mr. Renken stated that another way in which the garage is violating the ordinance is the fact that it is too tall. He stated that they are proposing to construct a new garage which would be 15 feet tall and comply with the requirements.

Mr. Renken then stated that with regard to the current setback, the garage is within the front yard setback. He referred to a clause in the code which stated that an accessory structure cannot be in the front yard. Mr. Renken stated that in keeping the garage there, they would only be changing the position of the garage even though it would remain in the front yard setback.

Mr. Renken informed the Board that the home was under foreclosure and that the new owner had a lot of water damage and renovated the entire structure. He stated that the owner had a problem with the existing garage and the exposure of the home to the street which is imperiled by the existing garage. Mr. Renken reiterated that the garage is too tall and that you cannot see the front entry of the home from the street which is not in keeping with the character of the neighborhood. He also stated that there is no other home where there are four garage doors facing the street. Mr. Renken then referred to other examples of homes on Sheridan Road.

Mr. Renken stated that they planned to tear down the existing garage and replace it with a garage which would be more compatible with the property and the character of the community in general. He referred to the required 12 foot setback from the south side of the property and stated that they are proposing to go 3 feet from the property line. Mr. Renken stated that the reason for that is that they would like to expose the center of the home and create a courtyard effect with the use of a circular driveway so that they would not end up with the same garage if they were to rebuild a new garage in the same manner. He added that it would be beneficial to move the garage within 3 feet of the property line and informed the Board that the property is heavily landscaped and has a fence which did not degrade the south property. Mr. Renken described the request as a much better solution than putting the garage at 12 feet from the south

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property line.

Mr. Renken then referred the Board to the packet of materials which contained before and after photographs. He stated that the photographs show the bulk of the existing garage and how the home would be opened up with the new garage. Mr. Renken noted that the height of the previous garage is 27 feet and that it extended to the second floor windows. He stated that the new garage would expose the front entry and reduce the frontage of the garage on the street, as well as to take the garage door frontage completely away from the street. Mr. Renken stated that there would be three garage doors instead of four and that the garage would be side loaded. He then stated that in terms of bulk, with regard to the Village Council stating that a basement which is located 4 feet out of the ground and not 2 ½ feet, they would be decreasing the entire bulk on the property 207 square feet. Mr. Renken stated that the architecture of the proposal would blend in with the existing architecture. He then referred to the flat roof on the home and stated that they are proposing a garage with a flat roof and a stucco and stone combination similar to that of the home, as well as landscape treatment in the front with piers and a wrought iron fence to enhance the elevation from the street. Mr. Renken then asked the Board if they had any questions.

Mr. Myers stated that for clarification, they would be converting a four car garage to a three car garage.

Mr. Renken confirmed that is correct.

Mr. Myers then asked if with regard to the distance from the fence on the south lot line, they are proposing to make that distance 3 feet.

Mr. Renken confirmed that is also correct.

Mr. Myers stated that in terms of putting the garage into conformance at 12 feet, he asked Mr. Renken to explain whether they looked at that option.

Mr. Renken informed the Board that they looked at several options and that the proposal represented the third option. He noted that the lot is L-shaped and that they considered putting the garage in the back of the lot, which is impossible since the distance from the lot line to the home is narrow and that there would also have been tree and neighbor issues. Mr. Renken stated that they also looked at keeping the existing garage and cutting an archway through the middle. He indicated that they have had several discussions with the Village staff who felt that may have been a less than desirable solution. Mr. Renken stated that they wanted to do a nice job and referred to the proposed scheme with the sideways garage at 12 feet from the property and that they considered the effect of the views from the front which would not be well. Mr. Renken described the home as a symmetrical home and that if they were to move the garage 9 feet over, it would not have the same effect. He also stated that alternative would cut into the front door. Mr. Renken stated that with regard to the south side of the property, there is a heavily wooded and landscaped home to the south and that the setback is far from that. He reiterated that they would be reducing the height of the garage to 15 feet from 27 feet which he commented is a

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much better solution than moving it toward the middle of the lot. Mr. Renken also stated that it would allow for more landscaping.

Chairman Adams asked with regard to the proposed sketch, in blocking one window on the first floor on the south side, if they were able to move the garage over not the full 12 feet in order to see if they could minimize the amount of the variance. He then asked if there would be a problem with the turning radius.

Mr. Renken stated that if the garage was moved over to the right, it would not be impossible to turn. He stated that it had to do with aesthetics, the courtyard effect and view of the home. Mr. Renken commented that the further over the garage is located, the better it would be and that he thought that 3 feet to the property line was the minimum. He also stated that there is a circular driveway there now and that they are proposing to keep the gravel and to offshoot it to turn into the garage. Mr. Renken added that if they were to move the garage to the right, it would cut into the circular radius as shown on the site plan.

Chairman Adams asked if there were any other questions.

Ms. Hickey asked if anything is proposed landscape-wise between the two homes north of the home.

Mr. Renken indicated that there is a row of evergreens there currently and that nothing is proposed for the front yard.

Chairman Adams asked if there were any other questions.

Mr. McCoy asked Mr. Renken to explain why they have an L-shape lot and why they did not look to put the garage in the back.

Mr. Renken responded that it would be physically impossible and that location would also require variations. He also stated that if they were to put a 20 foot deep garage which is not large enough, it would leave them with a 16 foot turning radius and that the owners would have to back all the way out.

Chairman Adams asked if there were any other questions. No additional questions were raised by the Board at this time. He then asked if there were any questions from the audience. No questions were raised by the audience at this time. Chairman Adams then informed the applicant there are only five Board members present as opposed to a full Board of seven members and that they would need four out of five votes in favor of the request. He referred to the tenor of the discussions and stated that the applicant can either wait for the next meeting or go forward. Chairman Adams noted that the request would be presented to the Village Council anyway and that the applicant can ask for a continuance if they want.

Mr. Renken decided to go forward.

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Chairman Adams then called the matter in for discussion.

Mr. Myers stated that when he originally looked at the request, his biggest concern related to the south setback going from 12 feet to 3 feet. He stated that the idea of rotating the garage enhanced the look and makes a four car garage less of an eyesore. Mr. Myers stated that in terms of moving the garage over a little, moving it over by the full amount would have an adverse impact first and would also block the two south windows in front of the home and result in the appearance looking off balance. He then stated that in terms of the look in the community, it would be better to have something which looked balanced. Mr. Myers indicated that he agreed with Mr. Renken in that there is a lot of shelter and foliage on the south side and that the home to the south is set far back. He added that the applicant looked at a variety of options and that the proposed option is the best and that he is comfortable with it.

Chairman Adams asked the Board if there was a contrary opinion. No contrary opinion was raised by the Board at this time. He noted for the record that there is a note from one of the neighbors, Mr. Thorenson, who is opposed to the existing garage and that it is not clear that he has seen the proposal. Chairman Adams stated that he is in agreement with Mr. Myers' comments given where the home is on the lot and the fact that there are a lot of existing nonconformities here. He commented that the best place to put the garage is where some of the nonconformities are reduced and that he is in favor of the request. Chairman Adams then asked for a motion.

Mr. Myers referred to pages 7 and 8 in the packet of materials and moved to recommend approval of the requested variations based on the reasons stipulated on pages 7 and 8 in the packet of materials.

Mr. Krucks seconded the motion. A vote was taken and the motion was unanimously passed, 5 to 0.

AYES: Adams, Hickey, Krucks, McCoy, Myers
NAYS: None

FINDINGS OF THE ZONING BOARD OF APPEALS

1. The requested variations are within the final jurisdiction of the Village Council.

2. The requested variations are in harmony with the general purpose and intent of the Winnetka Zoning Ordinance. The proposal is compatible, in general, with the character of existing development within the immediate neighborhood with respect to architectural scale and other site improvements.

3. There are practical difficulties and a particular hardship which prevents strict application of Section 17.30.040 [Maximum Building Size], Section 17.30.050 [Front and Corner Yard Setbacks], and Section 17.30.060 [Side Yard Setback] of the Winnetka Zoning Ordinance which is related to the use or the construction or alteration of buildings or

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structures.

The evidence in the judgment of the Zoning Board of Appeals has established:

1. The property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the zoning regulations because the zoning ordinance does not allow a detached garage to be located closer to the street than the principal building. The proposed location is the only practical location to place a garage in this case due to the unusual shape of the lot and the location of the existing residence. The zoning ordinance limits the width of front-facing garage doors to two 9 ft. doors and the total width of a front-facing garage to 22 ft., therefore any alterations to the existing garage would require a variation. The garage needs to be altered because the current configuration does not allow for a readily identifiable entrance for emergencies or general use. In addition, the location and size of the existing garage give this property a notable negative reputation for not being compatible with the community.

2. The plight of the applicant is due to unique circumstances which are related to the property and not the applicant. The existing residence, built in 1998, is set back to the rear of the property requiring the garage to be located in front of the residence. The current garage violates current zoning regulations in height, location, width of a front-facing garage and garage doors. Also, the current property has developed a negative reputation in the community because of the current garage location and scale.

3. The variation, if granted, will not alter the essential character of the locality. The proposed garage will make the home compatible with the essential character of the community, unlike the current garage which is unlike any other structure in Winnetka. The home would be visible from the street and the proposed layout works well with the existing driveway location and configuration. The current nonconformity regarding the garage doors facing the street would be alleviated by the proposed 3-car side loaded garage. In fact, the current garage door frontage regulations were a reaction to this home. The proposed location of the garage 3 ft. from the south property line is necessary to expose a majority of the home and create an axial and symmetrical flow of the existing and proposed gravel drive approach which would be more in keeping with the neighborhood character. The proposed configuration is similar to other properties in the Village that have detached coach houses/garages in the front yard perpendicular to the home such as: 181 Sheridan, 375 Sheridan, 425 Sheridan, 435 Sheridan, and 595 Sheridan.

4. An adequate supply of light and air to adjacent property will not be impaired by the proposed variations. The proposed alterations reduce the overall mass of the structure on the lot.

5. The hazard from fire or other damages to the property will not be increased as the proposed improvements shall comply with building code standards, including fire and life safety requirements.

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6. The taxable value of land and buildings throughout the Village will not diminish. The proposed alterations to the property would improve the value of the land and buildings on the property.

7. Congestion in the public street will not increase. The structure will continue to be used as a single-family residence and no additional bedrooms are proposed. The existing curb-cut will remain and adequate parking surface is to remain for visitors to the property.

8. The public health, safety, comfort, morals and welfare of the inhabitants of the Village will not be otherwise impaired. The proposed alterations will be designed to comply with all applicable building codes.

A woman in the audience who lives across the street asked for plans for the new home.

Chairman Adams indicated that they can make them available.

A gentleman in the audience stated that he is a neighbor to the west of the property who did not know that the matter was open for comment.

Chairman Adams informed the audience that those who wished to speak were sworn in before the case was presented to the Board.

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AGENDA REPORT

SUBJECT:	Ordinance MC-7-2011 – Commercial and Mixed Use Property Maintenance Code	
PREPARED BY:	Michael D'Onofrio, Director of Community Development Katherine S. Janega, Village attorney	
DATE:	July 14, 2011	
REFERENCE:	June 14, 2011	Council Study Session
	April 12, 2011	Council Study Session
	October 2, 2007	Council Agenda, pp. 31 – 44
	September 18, 2007	Council Agenda, pp. 132 – 145
	June 19, 2007	Council Agenda, pp. 228 – 287

Introduction

From time to time, the Village receives calls from tenants of rental apartments and commercial spaces regarding a variety of building maintenance issues. In 2006 and 2007, these calls led the Village Council to consider whether the Village should have a property maintenance code. A property maintenance code was prepared at the Council's direction, but was tabled before adoption, while the Council considered whether rental apartments should be included.

The issue came to the fore again in April 2011, when a residential apartment tenant complained to the Council about the condition of her rental apartment in a downtown building and her inability to get relief. In addition, the Plan Commission included a property maintenance code for downtown residential buildings among the recommendations it presented at the April 12, 2011, Study Session on affordable housing.

At the conclusion of its discussion on April 12th, the Council directed staff to draft property maintenance code language for its consideration. In response to that directive, the Director of Community Development presented a draft of a Commercial and Mixed Use Property Maintenance Code at the Council's June 14, 2011, study session. The Council then directed the Village Attorney to draft an ordinance for introduction adopting a property maintenance code for commercial and mixed use properties.

The attached ordinance MC-7-2011 was prepared pursuant to that directive and adopts the model International Property Maintenance Code, 2009 Edition ("2009 IPMC"), with certain amendments, as the Village's property maintenance code. Attachment A, which follows Ordinance MC-7-2011 in this agenda packet, is a mark-up of the 2009 Model Code. The mark-up is provided for the Council's convenience, so that the amendments can be read within the context of the original 2009 IPMC. However, the final legislative product for the Village will consist of the 2009 IPMC, as published by the International Code Council, and the final version of Ordinance MC-7-2011. The 2009 IPMC will be kept on file for continuing reference, while the substance of MC-7-2011 will be incorporated into the published Village Code.

The remaining sections of this Agenda Report are intended to provide the Council with a review and detailed explanation of the following topics:

1. The legislative history leading to the development of the current ordinance;
2. The nature and limits of a property maintenance code, *i.e.*, what a property maintenance code is, and what it can and cannot do;
3. The reasons Village staff recommends that the Council adopt the 2009 IPMC;
4. Answers to questions posed by the Council at the June 14, 2011 study session; and
5. The amendments proposed for the 2009 IPMC to make it compatible and consistent with the Village's existing Code provisions.

1. Legislative History of the Proposed Property Maintenance Code

In January of 2006, the Village and the Chamber of Commerce established a Property Maintenance Study Group ("Study Group") to examine the possibility of creating a property maintenance code. The group consisted of four members of the Business Community Development Commission ("BCDC") and three members from the Chamber of Commerce, with the Director of Community Development serving as staff liaison.

The Study Group met several times between January and April of 2006, and ultimately determined that there was a need for a property maintenance code. It then developed a draft code, using the International Property Maintenance Code 2003 Edition ("2003 IPMC"), which is published by the International Code Council ("ICC"). (The reasons for using the 2003 IPMC are discussed in greater detail in Section 3, below.)

To make the model code more tailored to the Winnetka environment, the Study Group drafted a number of amendments to the code. In general, the amendments suggested by the Study Group ranged from minor changes, such as deleting references to codes that the Village has not adopted (*e.g.*, the International Zoning Code) or inserting references to current Village Code provisions, to more substantial changes like eliminating all references to residential properties. The majority of the Study Group's proposed amendments were to delete items from the model code that they felt were not applicable to the conditions that are present in the Village.

Following completion of the Study Group's analysis, it referred the draft code to the BCDC. From June to October of 2006, the BCDC reviewed, analyzed and made its revisions to the proposed code.

The most substantial change recommended by the BCDC was to have the property maintenance code only apply to commercial properties. This change was consistent with the results of the 2006 Caucus Questionnaire, which had a series of questions concerning the need for a property maintenance code. The introduction to those questions focused only on homeowners, and the results showed little support for a property maintenance code directed at single family homes.

On October 5, 2006 the BCDC voted to recommend approval of its draft property maintenance code, which focused only on commercial buildings.

The draft property maintenance code was brought before the Village Council on June 19, 2007 for policy direction. On September 18, 2007, the Council voted to introduce Ordinance MC-13-2007. When the Ordinance came up for adoption on the Council's October 2, 2007, agenda, the Council tabled it in order to amend it to include mixed use buildings. The Ordinance was never taken off the table.

As indicated in the introductory paragraphs to this Agenda Report, the Village Council did not revisit the property maintenance code until April of 2011. The discussions in 2011, and the resulting draft of Ordinance MC-7-2011, pertains only to commercial and mixed use buildings in the commercial zoning districts.

As with the prior drafts, the latest draft does not apply to single family residences or to any properties in the single family zoning districts. Those properties are specifically excluded from the scope of the proposed ordinance. (See MC-7-2011 at p.6.)

2. The nature and limits of a property maintenance code

- ***What is a property maintenance code?***

  A property maintenance code is a collection of laws that apply to existing buildings. Like all building codes, a property maintenance code is an exercise of the Village's "police power," which aims to protect the public health, safety and welfare. This is done by establishing minimum, modern standards to govern the maintenance of existing buildings in the expanses of time between a building's initial construction, its occasional renovation and its ultimate demolition.

- ***What are the benefits of a property maintenance code?***

  The BCDC and the Study Group recommended a commercial property maintenance code to protect the commercial districts and to assure that the commercial building stock remains attractive and viable. As recently as earlier this year and last fall, the BCDC had discussions about the need to have a property maintenance code as a tool to improve the commercial building stock. Thus, a property maintenance code can be a tool for preserving both the Village's commercial property tax base and its retail tax base.

  The Plan Commission recommended a property maintenance code as a means of maintaining the existing affordable housing stock, which exists chiefly in the commercial zoning districts. The proposed property maintenance code can be a tool for preserving existing moderately priced rental units and for maintaining a mix of uses in the commercial areas.

  From the standpoint of public health and safety, a property maintenance code provides a clear set of standards for protecting a building's occupants and the surrounding neighborhood from the negative impacts of deteriorating buildings, which can contain such health hazards as mold, lead paint and asbestos, or safety hazards such as broken or rotting stairs, railings, roofs and windows, or frayed electrical wiring, or aging or inadequately ventilated furnaces that can emit carbon monoxide gas. Village staff has encountered all of these conditions at one time or another, but lacks any legal authority to correct them unless the building has become such a hazard that it cannot safely be

inhabited. A property maintenance code can thus allow Village staff to respond to complaints by requiring corrective action, rather than having to stand back until a situation develops into a full blown health or safety hazard.

- ***What are the limits of having a property maintenance code?***

  By its very nature, the draft of the commercial and mixed use property maintenance code necessarily pertains to both landlords and tenants. However, it does not govern the relationship between the landlord and the tenant. For example, it does not regulate rents, it does not regulate who may be a tenant, and it does not establish the terms and conditions of any lease.

  Rather, the draft ordinance addresses only the condition of the actual physical structures and appurtenances. It is intended to be used as a tool to encourage property owners to maintain their properties, not as a weapon to punish owners who do not.

3. Staff's recommendation to adopt the 2009 Edition of the International Property Maintenance Code

Village staff recommends adopting the 2009 IPMC for a variety of reasons. First, the IPMC is part of the nationally recognized ICC Model Code Series, which the Village has adopted by reference for all of its building codes. (See Section 5 of MC-7-2011, p.4.)

Second, the IPMC is the result of extensive study and input and enjoys broad acceptance among municipalities and building code administrators. (See the Preface to the 2009 IPMC, at p. iv of Attachment A to this Agenda report.) It is the latest edition of the IPMC, and is the second update since the Village first considered it. Like the other model building codes, the IPMC is regularly tested in enforcement actions in courts, not only throughout the region, but also across the nation.

Third, later this year Village staff will be preparing an ordinance for Council consideration that will update all of the Village's building codes from the 2003 Editions of the ICC codes to the 2009 Editions. Working from the 2009 Edition of the IPMC will keep all of the Village's building codes on the same three-year cycle. In addition, revisions in new codes generally reflect the latest in technology, construction methods, sustainability, etc. Using the 2009 IPMC would take advantage of these changes.

Finally, the standardization in the model codes encourages consistency from one community to another. The widespread use of the IPMC in this area was confirmed by the Study Group's analysis, which included reviewing property maintenance codes from Highland Park, Glenview, Northfield and Wilmette, all of which have property maintenance codes and use an edition of the IPMC. This regional standardization results in a more understandable regulatory structure, which not only makes it easier for building owners to understand what is required, but also makes enforcement easier, not only for staff but also for the area courts. Thus, by using the 2009 IPMC, the Village would put Winnetka and its property owners on equal footing with our neighbors.

4. Questions raised at the June 14, 2011 Study Session

During its discussions at the June 14th meeting the Village Council asked staff to look into several issues which it requested additional information on. Following is a discussion of those issues.

- ***What is the definition of a multi-use building?***
  Although the question was framed as an inquiry about "multi-use" buildings, the proposed property maintenance code uses the term "mixed use building," which is the more commonly used term in land use regulations. "Mixed use building or structure" has been added as a new definition in Section 202 of the IPMC. (See Ordinance MC-7-2011, p. 12). The definition is framed in reference to Section 17.46.010 of the Village Code, which is the provision of the Zoning Ordinance that contains the table of uses permitted in the Commercial Zoning Districts.

- ***Will retail rental or owner-occupied spaces be treated the same?***
  The IPMC, as amended by Ordinance MC-7-2011, applies equally to all commercial properties and uses without distinguishing between rental and owner occupancies. In contrast, individual residential condominium units in mixed use buildings are not covered, although all other areas of such buildings, including stairways, hallways and elevators, would be subject to the Village's property maintenance code.

- ***Will there be any new costs associated with a property maintenance code?***
  No. The Winnetka PMC will be enforced by the existing Community Development staff. It will be a complaint driven code, so there will not be a regular inspection schedule of the properties covered by the property maintenance code. As for inspections, they will be done by existing community development staff depending on the type of complaint being made. In the event that there would be a need to issue a citation due to the code violation not being abated, prosecution would be handled by the village prosecutor as part of her normal duties during the regular Winnetka court call at the Cook County Circuit Court - Skokie Branch.

- ***Would there be a fee associated with the property maintenance code?***
  No fee is proposed and the fee provision in the IPMC has been stricken.

- ***To what extent has the Village received complaints about building conditions?***
  The Director of Community development has reviewed the available data on building maintenance complaints. The available data cover five years and only include the complaints where there were regulations on the books that could be enforced. For example, included are complaints about tall grass and weeds, which we can enforce; but complaints from tenants that there wasn't adequate heat in their apartment.

  In the past five years a total of 38 property maintenance complaints were investigated. Of the 38 complaints, 5 were associated with commercial properties. The complaints include the following categories: property maintenance, weeds/grass, debris/garbage, and safety. A breakdown of the complaints is as follows:

Property Maintenance	22	
Weeds/Grass	11	
Debris/Garbage		3
Safety	2	

In addition to the formal complaints the Department also receives other complaints that it has no jurisdiction over. These complaints range from tenant complaints of inadequate heat, leaking roofs, unresponsiveness of landlords to make repairs to rental units on mixed use buildings. On single family residential properties, Community Development receives complaints associated with vacant properties, many of them in foreclosure, that go beyond tall grass/weeds. These types of complaints are not tracked; however, the Director of Community development estimates that Community Development receives approximately 10 to 15 complaints a year associated with rental units and a similar amount for vacant single family homes.

In conclusion, taking into account the formal complaints we process and the complaints we can take no action on, the Director of Community Development concludes that the Village receives an average of 32 property maintenance complaints a year, of which approximately 12 are associated with multi-use buildings.

The Village Attorney also receives a handful of complaints every year from tenants in both single family and multi-family rental apartments, usually pertaining to heating in the winter.

- ***What are the property maintenance codes in Glencoe and Highland Park?***
  Highland Park has adopted the International Property Maintenance Code (IPMC), 2009 Edition, as its property maintenance code. The Highland Park code applies to all structures in the City, including single family residences. A review of the code reveals that Highland Park has been using the International Code Council Property Maintenance Code (formerly known as the Building Officials and Code Administrators – BOCA – Property Maintenance Code) since November 2001. As is commonly done, and as is proposed for Winnetka's property maintenance code, Highland Park has made a number of amendments to the IPMC code, which appear to result in an ordinance that is tailored to that community's property maintenance issues.

  Glencoe does not have a property maintenance code.

5. Proposed amendments to the model 2009 IPMC

The proposed amendments to the 2009 IPMC are delineated in Section 7 of Ordinance MC-7-2011 (pp. 5-12). A corresponding annotated copy of the 2009 IPMC follows Ordinance MC-7-2011 (Attachment A). The annotations include edits that delete text (lines through the text itself), edits that add text recommended by staff (shown in blue text), and marginal markings that indicate new text added by ICC in updating the code from the 2006 to the 2009 Edition.

Most of the edits recommended by staff fall are necessary to make the 2009 IPMC compatible with the Village's current codes. Those amendments fall into the following categories:

- **Elimination of non applicable-codes.** Edits have been made to delete references made to the International Zoning, Plumbing and Existing Building Codes, none of which have been adopted by the Village. Similarly, edits have been made to add references to the codes the Village has adopted, such as the State of Illinois Plumbing Code, National Electrical Code (NEC) or NFPA Codes.
- **Addition of certain miscellaneous provisions.** Certain sections of the 2009 IPMC require that items such as weed height be identified and that fee schedules need to be added.
- **Changes to references of departments and staff.** Edits have been made to eliminate a "department of property maintenance" and replace it with the Department of Community Development, and to replace the "chief appointing authority of the jurisdiction" with a reference to the Village Manager.
- **Elimination of duplicative codes.** In some instances, provisions of the 2009 IPMC are superseded by other provisions in the Village Code. For example, Section 303 Swimming Pools, Spas and Hot Tubs (p. 11 IPMC) has been eliminated because the Village Code addresses those types of structures in other sections of the Village Code.

The most significant substantive changes to the 2009 IPMC pertain to the scope of the proposed code, as defined in **Section 101.2** (MC-7-2011, p.6). As noted above, the ordinance, as drafted, applies to both commercial and mixed use buildings in the commercial zoning districts, while residential districts and single family uses are excluded. (Att. A, p.1) This represents the key policy issue for the Council to decide.

Recommendation

Consider introduction of Ordinance MC-7-2011, adopting the International Property Maintenance Code, 2009 Edition, with certain amendments, as the Village of Winnetka's property maintenance code.

ORDINANCE NO. MC-7-2011

AN ORDINANCE
ADOPTING THE 2009 EDITION
OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE
FOR INCORPORATION INTO TITLE 15 OF THE WINNETKA VILLAGE CODE
TO ESTABLISH PROPERTY MAINTENANCE REGULATIONS
FOR COMMERCIAL AND MIXED USE PROPERTIES
IN THE VILLAGE OF WINNETKA

WHEREAS, the Village of Winnetka ("Village") is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970, pursuant to which it has the authority, except as limited by said Section 6 of Article VII, to exercise any power and perform any function pertaining to the government and affairs of the Village, including the power to regulate for the protection of the public health, safety, morals and welfare; and

WHEREAS, from time to time, the Village receives calls from tenants of rental apartments and commercial spaces regarding a variety of building maintenance issues; and

WHEREAS, in January, 2006, the Council of the Village of Winnetka ("Village Council") created a Property Maintenance Study Group ("Study Group") to examine the possibility of creating a property maintenance code in the Village;

WHEREAS, the Study Group consisted of four members of the Business Community Development Commission ("BCDC") and three members from the Winnetka Chamber of Commerce, with the Director of Community Development Department serving as staff liaison; and

WHEREAS, the Study Group determined that there was a need within the Village for some type of property maintenance code and recommended that the Village use the 2003 Edition of the International Property Maintenance Code ("2003 Model Code") as the basis for the Village's property maintenance code and that the proposed maintenance code should not apply to single family residences; and

WHEREAS, the BCDC considered the Study Group's recommendations and recommended that the property maintenance code apply only to commercial properties; and

WHEREAS, in April 2011, the Village Council heard complaints from a residential apartment tenant about the condition of her rental apartment in a downtown building; and

WHEREAS, the Winnetka Plan Commission included a property maintenance code for downtown residential buildings among recommendations it presented at the April 12, 2011, Village Council Study Session; and

WHEREAS, upon concluding its discussion of the Plan Commission's recommendations, the Village Council directed staff to draft language for a property maintenance code; and

WHEREAS, at its June 14, 2011, study session, after considering the Director of Community Development's presentation of a proposed draft of a Commercial and Mixed Use Property Maintenance Code, the Village Council directed the Village Attorney to draft an ordinance for introduction adopting a property maintenance code for commercial and mixed use properties; and

WHEREAS, Village staff has recommended that the Village's property maintenance code be based on the 2009 Edition of the model International Property Maintenance Code ("2009 Model Code"), with certain amendments, and that the 2009 Model Code be incorporated into the provisions of Title 15 of the Winnetka Village Code, "Building and Construction;" and

WHEREAS, the Council of the Village of Winnetka ("Village Council") have considered the recommendations of the Study Group, the BCDC, the Plan Commission and Village staff and find and determine that adopting the 2009 Model Code with the amendments proposed by the Village staff will benefit the public health, safety and welfare by assuring that all construction activity in the Village of Winnetka is performed pursuant to the most recent nationally recognized standards; and

WHEREAS, the Village Council have further determined that incorporating the property maintenance provisions into Title 15 of the Village Code in the same manner that other model codes were adopted by reference in 2005 pursuant to Ordinance MC-3-2005 will facilitate the administration of regulations pertaining to construction activity and maintenance of commercial buildings in the Village of Winnetka; and

> **[Drafter's Note:** "Construction activity" is defined in Section 15.04.050 (B) of the Winnetka Village Code and includes all building alterations, repairs and maintenance, including "ordinary repairs." "Ordinary repairs" are defined in the same section.**]**

WHEREAS, copies of the foregoing 2009 Model Code has been maintained on file in the office of the Village Clerk for at least 30 days prior to the effective date of this ordinance; and

WHEREAS, as required by Section 1-2-3.1 of the Illinois Municipal Code, the Village has provided the Illinois Building Commission with notice of the amendments to the Village' Building

Code pursuant to this Ordinance MC-7-2011, by identifying the 2009 Model Code by title and edition, and by providing a copy of this Ordinance for posting on the Internet for at least 30 days prior to the effective date of this ordinance.

> **[Drafter's Note:** The two preceding paragraphs recite requirements for adopting a model code by reference and for amending a building code. Copies of the 2009 Model Code and this Ordinance are now available for review in the Community Development Department. To assure compliance with the 30-day posting requirement, Ordinance MC-7-2011 will not be scheduled for adoption until the first Council meeting in September of 2011.**]**

NOW, THEREFORE, the Council of the Village of Winnetka do ordain:

SECTION 1: The foregoing recitals are hereby incorporated as the findings of the Council of the Village of Winnetka, as if fully set forth herein.

SECTION 2: Section 15.04.020, "Scope," of Chapter 15.04, "General Provisions," of Title 15 of the Winnetka Village Code, "Buildings and Construction," is amended to provide as follows:

> **Section 15.04.020 Scope.**
> This title establishes the minimum requirements for construction activities in the Village, and for all other matters affecting or relating to buildings, structures and site work, including but not limited to electrical equipment, engineering, fire prevention and building safety, plumbing, drainage and sanitation systems, heating, ventilation and air conditioning systems, and compliance with the tree preservation, occupancy, ~~and~~ zoning and commercial and mixed use property maintenance requirements as provided in this code.

SECTION 3: The definition of the term "Building Officer" in Subsection B of Section 15.04.050, "Definitions," of Chapter 15.04, "General Provisions," of Title 15 of the Winnetka Village Code, "Buildings and Construction," is amended to provide as follows:

> "Building Officer" means any officer or employee of the Village responsible for administering or enforcing any provision of this title or any provision of this code that is administered pursuant to this title. The term "Building Officer" includes: the Director of Community Development; the Village Engineer; the Director of Public Works; the Fire Chief; ~~the Director of Community Development;~~ the Health Officer; the Plan Examiner; and the building, electrical, code enforcement, engineering, fire prevention, forestry, mechanical, plumbing, water and electric, and zoning inspectors. The term "Building Officer" also includes any person who is a "building official" or "code official" under any of the codes adopted by reference in Chapter 15.08 of this Code. The term "Building Officer" also includes such other professional service providers as may be engaged by the Village and such other person as may be assigned or directed by the Director or the Village Manager to perform any of the functions of a Building Officer.

[Drafter's Note: the term "Director" is also defined in Section 15.04.050 (B) of the Village Code and means the Director of Community Development.**]**

SECTION 4: Subsection C of Section 15.04.110, "Penalties; Fines," of Chapter 15.04, "General Provisions," of Title 15 of the Winnetka Village Code, "Buildings and Construction," is amended to provide as follows:

C. Separate Offenses. Each act of violation and each day that a violation continues after due notice has been served ~~upon which a violation occurs~~ shall constitute a separate offense.

[Drafter's Note: This amendment is based on the 2009 Model Code and provides a both a clearer statement of the standard that every day of a violation is a separate offense, and a starting point from which the continuation is marked.**]**

SECTION 5: Section 15.08.010, "Adoption of Model Codes by Reference," of Chapter 15.08, "Model Codes Adopted by Reference," of Title 15 of the Winnetka Village Code, "Buildings and Construction," is amended to provide as follows:

Section 15.08.010 Adoption of Model Codes by Reference.

The model codes described in the following subsections A through G are each adopted by reference pursuant to the home rule authority of the Village of Winnetka under Article VII, Section 6 of the State of Illinois Constitution of 1970, and further pursuant to applicable provisions of the Illinois Municipal Code and the Municipal Adoption of Codes and Records Act, 50 ILCS 220/1 through 220/7, except as modified by the exclusions, amendments and additional provisions set forth in this chapter.

A. International Building Code, 2003 Edition.

B. International Residential Code for One- and Two-Family Dwellings, 2003 Edition.

C. International Mechanical Code, 2003 Edition.

D. International Fuel Gas Code, 2003 Edition.

E. State of Illinois Plumbing Code, 2004 Edition, as promulgated by the Illinois Department of Public Health and published in Title 77 of the Illinois Administrative Code, Chapter I, Subchapter R, Part 890,

F. National Electrical Code, 2002 Edition.

G. International Fire Code, 2003 Edition. (See Chapter 15.16)

H. International Property Maintenance Code, 2009 Edition.

SECTION 6: Paragraph 1 of Subsection A of Section 15.08.020, "Amendments to the International Building Code, 2003 Edition," of Chapter 15.08, "Model Codes Adopted by Reference," of Title 15 of the Winnetka Village Code, "Buildings and Construction," is amended to provide as follows:

1. **101.4.5 Property maintenance.** (See Section 15.08.080 for commercial and mixed use property maintenance provisions.)

SECTION 7: Chapter 15.08, "Model Codes Adopted by Reference," of Title 15 of the Winnetka Village Code, "Buildings and Construction," is amended by adding a new Section 15.08.080, which shall be titled "Amendments to the International Property Maintenance Code, 2009 Edition" and shall provide as follows:

Section 15.08.080 Amendments to the International Property Maintenance Code, 2003 Edition

A. **Exclusions.** The following provisions of the International Property Maintenance Code, 2003 Edition, are excluded from adoption by the Village. Where a range of sections is listed, the exclusion includes all sections and subsections within the specified range.

1. **104.3 Right of entry.** (Superseded by Section 15.04.070)
2. **111.2 Membership of board.** (Superseded by Chapter 3.36)
3. **111.2.1 Alternate members.** (Superseded by Chapter 3.36)
4. **111.2.2 Chairman.** (Superseded by Chapter 3.36)
5. **111.2.3 Disqualification of member.** (Superseded by Chapter 3.36)
6. **111.2.4 Secretary.** (Superseded by Chapter 3.36)
7. **111.2.5 Compensation of members.** (Superseded by Chapter 3.36)
8. **111.3 Notice of meeting.** (Superseded by Chapter 15.72)
9. **111.4 Open hearing.** (Superseded by Chapter 15.72)
10. **111.4.1 Procedure.** (Superseded by Chapter 15.72).
11. **111.5 Postponed hearing.** (Superseded by Chapter 15.72).
12. **111.6 Board decision.** (Superseded by Chapter 15.72).
13. **111.6.1 Records and copies.** (Superseded by Chapter 15.72).
14. **111.6.2 Administration.** (Superseded by Chapter 15.72).
15. **111.7 Court review.** (Superseded by Chapter 15.72).
16. **111.8 Stays of enforcement.** (Superseded by Chapter 15.72).
17. **Section 303 Swimming Pools, Spas and Hot Tubs.** (Superseded by Chapter 15.56)
18. **Section 308.3.1 Garbage facilities.**
19. **Section 308.2 Owner.**
20. **Section 403.3 Cooking facilities.**
21. **Section 404.3 Minimum ceiling heights.** Retain text; delete Exceptions 1 and 2 only.
22. **Section 602.3 Heat supply.** Retain text; delete Exception 1 only.

B. **Amendments.** The following provisions of the 2009 Edition of the International Property Maintenance Code are amended for adoption by the Village and shall provide as follows:

1. **101.1 Title.** These regulations shall be part of the Property Maintenance Code of the Village of Winnetka. As used in the International Property Maintenance Code, 2009 Edition, as adopted and amended by the Village, "this code" shall mean the Property

Maintenance Code of the Village of Winnetka. As used in the ordinances and codes published by the Village, the term "this code" shall mean the Winnetka Village Code, and the Property Maintenance Code the Village of Winnetka shall be called the "Property Maintenance Code."

2. **101.2 Scope.** The provisions of this code shall apply to all existing commercial and mixed use structures and *premises*, as defined in this code, and shall constitute minimum requirements and standards for premises, structures, equipment and facilities for light, *ventilation*, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of *owners*, *operators* and *occupants*; the occupancy of existing structures and premises, and for administration, enforcement and penalties. The provisions of this code shall not apply to any one- or two-family residential buildings, to any buildings or structures in any of the single family residential zoning districts established pursuant to Chapter 17.08 of the Village Code, or to any residential condominium buildings or units located in any multifamily residential zoning districts established pursuant to Chapter 17.08 of the Village Code.

3. **101.3 Intent.** This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of the commercial and mixed use structures and premises to which this code applies. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions to and change of occupancy in existing buildings shall comply with Title 15 of the Village Code and all other applicable building codes adopted by the Village.

4. **102.1 General.** The provisions of this code shall apply to all matters affecting or relating to commercial and mixed use structures and premises, as set forth in Section 101. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code or the Village Code specify different requirements, the most restrictive shall govern.

5. **102.3 Application of other codes.** Repairs, additions or alterations to a structure, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of Titles 15 and 16 of the Village Code, including the procedures and provisions of the model codes adopted by reference pursuant to Chapter 1508 of the Village Code, and all other applicable sections of the Village Code.

6. **103.1 General.** The Department of Community Development created pursuant to Chapter 2.44 of the Village Code is responsible for property maintenance inspection and administration and the executive official in charge thereof, also known as the Director of Community Development, shall be known as the code official.

8. **103.2 Appointment.** The code official shall be appointed by the Village Manager.

9. **103.3 Deputies.** Subject to the approval of the Village Manager and to the provisions of Chapter 2.44 of the Village Code, the code official shall have the authority to

appoint one or more deputy code officials, other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the code official.

10. **103.5 Fees.** The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be established as provided in Section 15.32.020 of the Village Code.

11. **106.2 Notice of violation.** The code official shall serve a notice of violation or order in accordance with Section 107 of this code and Section 15.04.090 of the Village Code.

12. **106.3 Prosecution of violation.** Any person who violates a provision of this code shall be subject to the enforcement proceedings, as provided in Chapter 15.04 of the Village Code. Any action taken by the authority having jurisdiction on such premises may be charged against the real estate upon which the structure is located, as well as against the owner of such real estate, and shall be a lien upon such real estate.

13. **106.4 Violation penalties.** Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws and shall be subject to penalties and fines as provided in Section 15.04.110 of the Village Code.

[Drafter's Note: Section 15.04.110 establishes the range of fines, provides for pre-court payment and, as indicated in Section 4 of this Ordinance, above, it also provides that each day a violation continues is a separate offense.**]**

14. **110.2 Notices and orders.** All notices and orders shall comply with Section 107 of this code and with Section 15.04.090 of the Village Code.

15. **111.1 Application for appeal.** Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Zoning Board of Appeals as provided in Chapter 15.72 of the Village Code,

16. **112.4 Fines; Failure to Comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fee of not less than $250 dollars nor more than $750.

17. **302.4 Weeds.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of six (6) inches. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. All noxious weeds, as defined in Section 8.20.030 (B) of the Village Code, are prohibited and shall be removed or destroyed as provided in said Section 8.20.030 (B).

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such

removal shall be paid by the owner or agent responsible for the property. The cost of such removal shall be alien against the property, to the extent permitted by law.

18. **304.1.1 Unsafe Conditions.** The following conditions shall be determined to be unsafe and shall be repaired or replaced to comply with the *International Building Code*, as adopted and amended pursuant to Chapter 15.08 of the Village Code, and with all other applicable provisions of the Village Code. [Paragraphs 1 through 13 of Section 304.1.1 and Exceptions 1 and 2 to Section304.1.1 are not amended.]

19. **304.2 Protective treatment.** All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

20. **304.3 Premises identification.** Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property.

21. **304.14 Insect screens.** *Ventilation* of commercial food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with *approved* tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition. [The Exception to Section 304.14 is not amended.]

22. **305.1 General.** The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. *Occupants* shall keep that part of the structure which they occupy or control in a clean and sanitary condition.

23. **305.1.1 Unsafe conditions.** The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code*, as adopted and amended pursuant to Chapter 15.08 of the Village Code or with any other applicable provision of the Village Code, as required for existing buildings: [Paragraphs 1 through 6 of Section 305.1.1 and Exceptions 1 and 2 of Section 305.1.1 are not amended.]

24. **305.3 Interior surfaces.** All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

25. **SECTION 308 REFUSE, RUBBISH AND GARBAGE**

26. **308.1 Accumulation of refuse, rubbish or garbage.** All exterior property and premises, and the interior of every structure, shall be free from any accumulation of refuse, rubbish and garbage.

27. **308.2 Disposal of refuse and rubbish.** Every occupant of a structure shall dispose of all refuse and rubbish in a clean and sanitary manner by placing such rubbish in approved containers that comply with Chapter 8.16 of the Village Code.

28. **308.2.1 Refuse and rubbish storage facilities.** The owner of every occupied premises shall supply approved covered containers for refuse, and the owner of the premises shall be responsible for the removal of refuse in accordance with Chapter 8.16 of the Village Code.

29. **308.3 Disposal of garbage and refuse.** Every *occupant* of a structure shall dispose of garbage and refuse in a clean and sanitary manner by placing such garbage or refuse in an *approved* disposal facility or garbage container that complies with Chapter 8.16 of the Village Code.

30. **308.3.2 Containers.** The *operator* of every establishment that produces garbage or refuse shall provide, and at all times cause to be utilized, *approved* leakproof containers provided with close-fitting covers for the storage of such materials until removed from the *premises* for disposal.

31. **309.3 Single occupant.** The *occupant* of a single-*tenant* nonresidential structure shall be responsible for *pest elimination* on the *premises*.

32. **502.4.1 Drinking facilities.** Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or a water dispenser. Drinking facilities shall not be located in *toilet rooms* or *bathrooms*.

33. **502.5 Public toilet facilities.** Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with the *Illinois Plumbing Code* as adopted and amended pursuant to Chapter 15.08 of the Village Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during *occupancy* of the *premises*.

34. **503.3 Location of employee toilet facilities.** Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 300 feet from the employees' regular working area. Employee facilities shall either be separate facilities or combined employee and public facilities.

> **Exception:** Facilities that are required for employees in storage structures or kiosks, and that are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 300 feet from the employees' regular working area to the facilities.

35. **505.1 General.** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to the Village of Winnetka Municipal Water Utility in accordance with Chapter 13.04 of the Village Code. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the State of Illinois Plumbing Code, 2004 Edition.

36. **506.1 General.** All plumbing fixtures shall be properly connected to the Village of Winnetka sanitary sewer system in accordance with Chapter 15.24 of the Village Code.

37. **507.1 General.** Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall comply with the applicable provisions of Chapter 15.24 and 15.68 of the Village Code. Such drainage shall not be discharged in a manner that creates a public nuisance.

38. **602.3 Heat supply.** Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from October 15th to April 15th to maintain a temperature of not less than 68ºF in all habitable rooms, *bathrooms* and *toilet rooms*.

Exceptions:

1. [Exception 1 is deleted.]

2. In areas where the average monthly temperature is above 30ºF, a minimum temperature of 65ºF shall be maintained.

39. **602.4 Occupiable work spaces.** Indoor occupiable work spaces shall be supplied with heat during the period from October 15th to April 15th to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied. The provisions of this section shall not apply to processing, storage and operation areas that require cooling or special temperature conditions, or to areas in which persons are primarily engaged in vigorous physical activities. [Exceptions 1 and 2 to Section 602.4 are not amended.]

40. **603.1 Mechanical equipment and appliances**. The installation, alteration, repair and replacement of all mechanical equipment and appliances shall be subject to the provisions of the International Mechanical Code, 2003 Edition, as adopted and amended pursuant to Chapter 15.08 of the Village Code. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

41. **604.1 Facilities required.** Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605. Such electrical system shall be properly connected to the Village of Winnetka Municipal Electric Utility in accordance with Chapter 13.08 of the Village Code.

42. **604.2 Service.** The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the National Electrical Code, 2002 Edition, as adopted and amended pursuant to Chapter 15.08 of the Village Code. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 200 amperes.

43. **701.1 Scope**. The minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided, shall be governed by the provisions of this chapter, and applicable provisions of

the Village Code, including the International Fire Code, 2003 Edition, and NFPA 101 Life Safety Code, 2000 Edition, as said codes are adopted and amended by the Village of Winnetka pursuant to Chapter 15.16 of the Village Code. In the event of a conflict between these codes, the most restrictive code shall apply.

44. **702.1 General.** A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the *public way*. Means of egress shall comply with the International Fire Code, 2003 Edition, and NFPA 101 Life Safety Code, 2000 Edition, as said codes are adopted and amended by the Village of Winnetka pursuant to Chapter 15.16 of the Village Code.

45. **702.2 Aisles.** The required width of aisles in accordance with the International Fire Code, 2003 Edition, and NFPA 101 Life Safety Code, 2000 Edition, as said codes are adopted and amended by the Village of Winnetka pursuant to Chapter 15.16 of the Village Code, shall be unobstructed.

46. **702.3 Locked doors.** All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the International Fire Code, 2003 Edition, and NFPA 101 Life Safety Code, 2000 Edition, as said codes are adopted and amended by the Village of Winnetka pursuant to Chapter 15.16 of the Village Code.

47. **704.1 General.** All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with applicable provisions of the Village Code, including the International Fire Code, 2003 Edition, and NFPA Public 72, National Fire Alarm Code, 1996 Edition, NFPA Publication 13, Standards for the Installation of Automatic Sprinkler Systems, 1999 Edition, as said codes are adopted and amended by the Village of Winnetka pursuant to Chapters 8.04 and 15.16 of the Village Code. In the event of a conflict between these codes, the most restrictive code shall apply.

48. **704.2 Smoke alarms.** Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single or multiple-station smoke alarms shall be installed in other groups in accordance with applicable provisions of the Village Code, including the International Fire Code, 2003 Edition, and NFPA Public 72, National Fire Alarm Code, 1996 Edition, as said codes are adopted and amended by the Village of Winnetka pursuant to Chapters 8.04 and 15.16 of the Village Code. In the event of a conflict between these codes, the most restrictive code shall apply.

C. **Additions.** The International Property Maintenance Code, 2003 Edition, is further amended for adoption by the Village by adding the following provisions:

1. **202 General Definitions:**

a. **MIXED USE BUILDING OR STRUCTURE.** Any building or structure that is located in the C-1 Limited Retail, C-2 General Retail or C-2 Retail Overlay Commercial Zoning District established by Chapter 17.08 of the Village Code and that is used for any combination of the uses listed in the Table of Uses in Section 17.46.010 of the Village Code.

b. **REFUSE.** All system waste, as defined in Section 8.16.010 of the Village Code, as well as ashes, manure and yard waste.

c. **VILLAGE CODE.** The Winnetka Village Code, as published by the Village of Winnetka, including all amendments thereto.

2. **308.3.3 Grease Disposal.** All food service establishments and all retail food stores shall dispose of grease as provided in Section 8.12.010 of the Village Code.

3. **309.6 Food Services and Retail Food Stores.** All food service establishments and all retail food stores shall comply with the pest control provisions of Section 8.12.200 of the Village Code.

SECTION 8: Copies of all model codes adopted by reference in this Ordinance shall continue to be maintained on file in the office of the Village Manager in the manner provided by law.

SECTION 9: This Ordinance is passed by the Council of the Village of Winnetka in the exercise of its home rule powers pursuant to Section 6 of Article VII of the Illinois Constitution of 1970.

SECTION 10: This Ordinance shall take effect immediately upon its passage, approval and posting as provided by law.

PASSED this ____ day of _____, 2011, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: Trustee Braun [recused]

APPROVED this ____ day of _____, 2011.

Signed:

_____
Village President

Countersigned:

_____
Village Clerk

Introduced: _____

Posted: _____

Passed and Approved: _____

Posted: _____

A MEMBER OF THE INTERNATIONAL CODE FAMILY®

IPMC®

INTERNATIONAL PROPERTY MAINTENANCE CODE®

2009

2009 International Property Maintenance Code®

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PREFACE

Introduction

Internationally, code officials recognize the need for a modern, up-to-date property maintenance code governing the maintenance of existing buildings. The *International Property Maintenance Code*®, in this 2009 edition, is designed to meet this need through model code regulations that contain clear and specific property maintenance requirements with required property improvement provisions.

This 2009 edition is fully compatible with all *International Codes*® (I-Codes®) published by the International Code Council (ICC)®, including the *International Building Code*®, *International Energy Conservation Code*®, *International Existing Building Code*®, *International Fire Code*®, *International Fuel Gas Code*®, *International Mechanical Code*®, ICC *Performance Code*®, *International Plumbing Code*®, *International Private Sewage Disposal Code*®, *International Residential Code*®, *International Wildland-Urban Interface Code*™ and *International Zoning Code*®.

The *International Property Maintenance Code* provisions provide many benefits, among which is the model code development process that offers an international forum for code officials and other interested parties to discuss performance and prescriptive code requirements. This forum provides an excellent arena to debate proposed revisions. This model code also encourages international consistency in the application of provisions.

Development

The first edition of the *International Property Maintenance Code* (1998) was the culmination of an effort initiated in 1996 by a code development committee appointed by ICC and consisting of representatives of the three statutory members of the International Code Council at that time, including: Building Officials and Code Administrators International, Inc. (BOCA), International Conference of Building Officials (ICBO) and Southern Building Code Congress International (SBCCI). The committee drafted a comprehensive set of regulations for existing buildings that was consistent with the existing model property maintenance codes at the time. This 2009 edition presents the code as originally issued, with changes reflected through the previous 2006 editions and further changes developed through the ICC Code Development Process through 2008. A new edition of the code is promulgated every three years.

This code is founded on principles intended to establish provisions consistent with the scope of a property maintenance code that adequately protects public health, safety and welfare; provisions that do not unnecessarily increase construction costs; provisions that do not restrict the use of new materials, products or methods of construction; and provisions that do not give preferential treatment to particular types or classes of materials, products or methods of construction.

Adoption

The *International Property Maintenance Code* is available for adoption and use by jurisdictions internationally. Its use within a governmental jurisdiction is intended to be accomplished through adoption by reference in accordance with proceedings established in the jurisdiction's laws. At the time of adoption, jurisdictions should insert the appropriate information in provisions requiring specific local information, such as the name of the adopting jurisdiction. These locations are shown in bracketed words in small capital letters in the code and in the sample ordinance. The sample adoption ordinance on page vii addresses several key elements of a code adoption ordinance, including the information required for insertion into the code text.

Maintenance

The *International Property Maintenance Code* is kept up to date through the review of proposed changes submitted by code enforcing officials, industry representatives, design professionals and other interested parties. Proposed changes are carefully considered through an open code development process in which all interested and affected parties may participate.

The contents of this work are subject to change both through the Code Development Cycles and the governmental body that enacts the code into law. For more information regarding the code development process, contact the Codes and Standards Development Department of the International Code Council.

While the development procedure of the *International Property Maintenance Code* ensures the highest degree of care, ICC, its membership and those participating in the development of this code do not accept any liability resulting from compliance or noncompliance with the provisions because ICC does not have the power or authority to police or enforce compliance with the contents of this code. Only the governmental body that enacts the code into law has such authority.

Letter Designations in Front of Section Numbers

In each code development cycle, proposed changes to this code are considered at the Code Development Hearings by the ICC Property Maintenance/Zoning Code Development Committee, whose action constitutes a recommendation to the voting membership for final action on the proposed changes. Proposed changes to a code section having a number beginning with a letter in brackets are considered by a different code development committee. For example, proposed changes to code sections that have the letter [F] in front of them (e.g., [F] 704.1) are considered by the International Fire Code Development Committee at the Code Development Hearings.

The content of sections in this code that begin with a letter designation are maintained by another code development committee in accordance with the following:

[F] = International Fire Code Development Committee;

[P] = International Plumbing Code Development Committee; and

[B] = International Building Code Development Committee.

Marginal Markings

Solid vertical lines in the margins within the body of the code indicating a technical change from the requirements of the previous edition. Deletion indicators in the form of an arrow (➡) are provided in the margin where an entire section, paragraph, exception or table has been deleted or an item in a list of items or a table has been deleted.

Italicized Terms

Selected terms set forth in Chapter 2, Definitions, are italicized where they appear in code text. Such terms are not italicized where the definition set forth in Chapter 2 does not impart the intended meaning in the use of the term. The terms selected have definitions which the user should read carefully to facilitate better understanding of the code.

Effective Use of the International Property Maintenance Code

The *International Property Maintenance Code* (IPMC) is a model code that regulates the minimum maintenance requirements for existing buildings.

The IPMC is a maintenance document intended to establish minimum maintenance standards for basic equipment, light, ventilation, heating, sanitation and fire safety. Responsibility is fixed among owners, operators and occupants for code compliance. The IPMC provides for the regulation and safe use of existing structures in the interest of the social and economic welfare of the community.

Arrangement and Format of the 2009 IPMC

Before applying the requirements of the IPMC it is beneficial to understand its arrangement and format. The IPMC, like other codes published by ICC, is arranged and organized to follow sequential steps that generally occur during an inspection. The IPMC is divided into eight different parts:

Chapters	Subjects
1	Administration
2	Definitions
3	General Requirements
4	Light, Ventilation and Occupancy Limitations
5	Plumbing Facilities and Fixture Requirements
6	Mechanical and Electrical Requirements
7	Fire Safety Requirements
8	Referenced Standards

The following is a chapter-by-chapter synopsis of the scope and intent of the provisions of the *International Property Maintenance Code:*

Chapter 1 Administration. This chapter contains provisions for the application, enforcement and administration of subsequent requirements of the code. In addition to establishing the scope of the code, Chapter 1 identifies which buildings and structures come under its purview. Chapter 1 is largely concerned with maintaining "due process of law" in enforcing the property maintenance criteria contained in the body of the code. Only through careful observation of the administrative provisions can the building official reasonably expect to demonstrate that "equal protection under the law" has been provided.

Chapter 2 Definitions. All terms that are defined in the code are listed alphabetically in Chapter 2. While a defined term may be used in one chapter or another, the meaning provided in Chapter 2 is applicable throughout the code.

Where understanding of a term's definition is especially key to or necessary for understanding of a particular code provision, the term is show in italics wherever it appears in the code. This is true only for those terms that have a meaning that is unique to the code. In other words, the generally understood meaning of a term or phrase might not be sufficient or consistent with the meaning prescribed by the code; therefore, it is essential that the code-defined meaning be known.

Guidance regarding tense, gender and plurality of defined terms as well as guidance regarding terms not defined in this code is provided.

Chapter 3 General Requirements. Chapter 3, "General Requirements," is broad in scope. It includes a variety of requirements for the exterior property areas as well as the interior and exterior elements of the structure. This chapter provides requirements that are intended to maintain a minimum level of safety and sanitation for both the general public and the occupants of a structure, and to maintain a building's structural and weather-resistance performance. Chapter 3 provides specific criteria for regulating the installation and maintenance of specific building components; maintenance requirements for vacant structures and land; requirements regulating the safety, sanitation and appearance of the interior and exterior of structures and all exterior property areas; accessory structures; vehicle storage regulations and establishes who is responsible for complying with the chapter's provisions. This chapter also contains the requirements for swimming pools, spas and hot tubs and the requirements for protective barriers and gates in these

barriers. Chapter 3 establishes the responsible parties for exterminating insects and rodents, and maintaining sanitary conditions in all types of occupancies.

Chapter 4 Light, Ventilation and Occupancy Limitations. The purpose of Chapter 4 is to set forth these requirements in the code and to establish the minimum environment for occupiable and habitable buildings, by establishing the minimum criteria for light and ventilation and identifies occupancy limitations including minimum room width and area, minimum ceiling height and restrictions to prevent overcrowding. This chapter also provides for alternative arrangements of windows and other devices to comply with the requirements for light and ventilation and prohibits certain room arrangements and occupancy uses.

Chapter 5 Plumbing Facilities and Fixture Requirements. Chapter 5 establishes the minimum criteria for the installation, maintenance and location of plumbing systems and facilities, including the water supply system, water heating appliances, sewage disposal system and related plumbing fixtures.

Sanitary and clean conditions in occupied buildings are dependent upon certain basic plumbing principles, including providing potable water to a building, providing the basic fixtures to effectively utilize that water and properly removing waste from the building. Chapter 5 establishes the minimum criteria to verify that these principles are maintained throughout the life of a building.

Chapter 6 Mechanical and Electrical Requirements. The purpose of Chapter 6 is to establish minimum performance requirements for heating, electrical and mechanical facilities and to establish minimum standards for the safety of these facilities.

This chapter establishes minimum criteria for the installation and maintenance of the following: heating and air-conditioning equipment, appliances and their supporting systems; water-heating equipment, appliances and systems; cooking equipment and appliances; ventilation and exhaust equipment; gas and liquid fuel distribution piping and components; fireplaces and solid fuel-burning appliances; chimneys and vents; electrical services; lighting fixtures; electrical receptacle outlets; electrical distribution system equipment, devices and wiring; and elevators, escalators and dumbwaiters.

Chapter 7 Fire Safety Requirements. The purpose of Chapter 7 is to address those fire hazards that arise as the result of a building's occupancy. It also provides minimum requirements for fire safety issues that are most likely to arise in older buildings.

This chapter contains requirements for means of egress in existing buildings, including path of travel, required egress width, means of egress doors and emergency escape openings.

Chapter 7 establishes the minimum requirements for fire safety facilities and fire protection systems, as these are essential fire safety systems.

Chapter 8 Referenced Standards. The code contains numerous references to standards that are used to regulate materials and methods of construction. Chapter 8 contains a comprehensive list of all standards that are referenced in the code. The standards are part of the code to the extent of the reference to the standard. Compliance with the referenced standard is necessary for compliance with this code. By providing specifically adopted standards, the construction and installation requirements necessary for compliance with the code can be readily determined. The basis for code compliance is, therefore, established and available on an equal basis to the code official, contractor, designer and owner.

Chapter 8 is organized in a manner that makes it easy to locate specific standards. It lists all of the referenced standards, alphabetically, by acronym of the promulgating agency of the standard. Each agency's standards are then listed in either alphabetical or numeric order based upon the standard identification. The list also contains the title of the standard; the edition (date) of the standard referenced; any addenda included as part of the ICC adoption; and the section or sections of this code that reference the standard.

ORDINANCE

The *International Codes* are designed and promulgated to be adopted by reference by ordinance. Jurisdictions wishing to adopt the 2009 *International Property Maintenance Code* as an enforceable regulation governing existing structures and premises should ensure that certain factual information is included in the adopting ordinance at the time adoption is being considered by the appropriate governmental body. The following sample adoption ordinance addresses several key elements of a code adoption ordinance, including the information required for insertion into the code text.

SAMPLE ORDINANCE FOR ADOPTION OF THE *INTERNATIONAL PROPERTY MAINTENANCE CODE* ORDINANCE NO._____

An ordinance of the **[JURISDICTION]** adopting the 2009 edition of the *International Property Maintenance Code*, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the **[JURISDICTION]**; providing for the issuance of permits and collection of fees therefor; repealing Ordinance No. _____ of the **[JURISDICTION]** and all other ordinances and parts of the ordinances in conflict therewith.

The **[GOVERNING BODY]** of the **[JURISDICTION]** does ordain as follows:

Section 1. That a certain document, three (3) copies of which are on file in the office of the **[TITLE OF JURISDICTION'S KEEPER OF RECORDS]** of **[NAME OF JURISDICTION]**, being marked and designated as the *International Property Maintenance Code*, 2009 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the **[JURISDICTION]**, in the State of **[STATE NAME]** for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the **[JURISDICTION]** are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

Section 101.1. Insert: **[NAME OF JURISDICTION]**

Section 103.5. Insert: **[APPROPRIATE SCHEDULE]**

Section 112.4. Insert: **[DOLLAR AMOUNT IN TWO LOCATIONS]**

Section 302.4. Insert: **[HEIGHT IN INCHES]**

Section 304.14. Insert: **[DATES IN TWO LOCATIONS]**

Section 602.3. Insert: **[DATES IN TWO LOCATIONS]**

Section 602.4. Insert: **[DATES IN TWO LOCATIONS]**

Section 3. That Ordinance No. _____ of **[JURISDICTION]** entitled **[FILL IN HERE THE COMPLETE TITLE OF THE ORDINANCE OR ORDINANCES IN EFFECT AT THE PRESENT TIME SO THAT THEY WILL BE REPEALED BY DEFINITE MENTION]** and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The **[GOVERNING BODY]** hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. That nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. That the **[JURISDICTION'S KEEPER OF RECORDS]** is hereby ordered and directed to cause this ordinance to be published. (An additional provision may be required to direct the number of times the ordinance is to be published and to specify that it is to be in a newspaper in general circulation. Posting may also be required.)

Section 7. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect **[TIME PERIOD]** from and after the date of its final passage and adoption.

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CHAPTER 1

SCOPE AND ADMINISTRATION

PART 1—SCOPE AND APPLICATION

SECTION 101
GENERAL

101.1 Title. These regulations shall be known as the *International Property Maintenance Code* of [NAME OF JURISDICTION], hereinafter referred to as "this code."

101.2 Scope. The provisions of this code shall apply to all ~~existing residential and~~ nonresidential structures ~~and all existing *premises*~~ and constitute minimum requirements and standards for *premises*, structures, equipment and facilities for light, *ventilation*, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of *owners*, *operators* and *occupants*; the *occupancy* of existing structures and *premises*, and for administration, enforcement and penalties.

101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued *occupancy* and maintenance of structures and *premises*. Existing structures and *premises* that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

101.4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 102
APPLICABILITY

102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

102.2 Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or *premises* was constructed, altered or repaired shall be maintained in good working order. No *owner*, *operator* or *occupant* shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the *owner* or the *owner's* designated agent shall be responsible for the maintenance of buildings, structures and *premises*.

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the *International Building Code, International Fuel Gas Code, International Mechanical Code* ~~and~~ NFPA 70. ~~Nothing in this code shall be construed to cancel, modify or set aside any provision of the *International Zoning Code*.~~ and applicable sections of the Winnetka Village Code

102.4 Existing remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and insanitary.

102.5 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a *workmanlike* manner and installed in accordance with the manufacturer's installation instructions.

102.6 Historic buildings. The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the *code official* to be safe and in the public interest of health, safety and welfare.

102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

> **Exception:** Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

102.8 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the *code official*.

102.9 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

102.10 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

PART 2—ADMINISTRATION AND ENFORCEMENT

SECTION 103
DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

Department of Community Development is responsible for property maintenance

103.1 General. The ~~department of property maintenance inspection is hereby created~~ and the executive official in charge thereof shall be known as the *code official*.

103.2 Appointment. The *code official* shall be appointed by the ~~chief appointing authority of the jurisdiction.~~ Village Manager

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the *code official* shall have the authority to appoint a deputy(s). Such employees shall have powers as delegated by the *code official*.

103.4 Liability. The *code official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The *code official* or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code ~~shall be as indicated in the following schedule.~~

shall be established as provided in Section 15.32.020 of the Village Code

ULE.]

SECTION 104
DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 General. The *code official* is hereby authorized and directed to enforce the provisions of this code. The *code official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

104.2 Inspections. The *code official* shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such *approved* agency or by the responsible individual. The *code official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

See Section 15.04.07 of the Village Code

104.3 Right of entry. ~~Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the *code official* has reasonable cause to believe that there exists in a *structure* or upon a *premises* a condition in violation of this code, the *code official* is authorized to enter the structure or *premises* at reasonable times to inspect or perform the duties imposed by this code, provided that if such *structure* or *premises* is occupied the *code official* shall present credentials to the *occupant* and request entry. If such structure or *premises* is unoccupied, the *code official* shall first make a reasonable effort to locate the *owner* or other person having charge or control of the *structure* or *premises* and request entry. If entry is refused, the *code official* shall have recourse to the remedies provided by law to secure entry.~~

104.4 Identification. The *code official* shall carry proper identification when inspecting *structures* or *premises* in the performance of duties under this code.

104.5 Notices and orders. The *code official* shall issue all necessary notices or orders to ensure compliance with this code.

104.6 Department records. The *code official* shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

SECTION 105
APPROVAL

105.1 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the *code official* shall have the authority to grant modifications for individual cases upon application of the *owner* or *owner*'s representative, provided the *code official* shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

105.2 Alternative materials, methods and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material or method of construction shall be *approved* where the *code official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

105.3 Required testing. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for

alternative materials or methods, the *code official* shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

105.3.1 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *code official* shall be permitted to approve appropriate testing procedures performed by an *approved* agency.

105.3.2 Test reports. Reports of tests shall be retained by the *code official* for the period required for retention of public records.

105.4 Used material and equipment. The use of used materials which meet the requirements of this code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and *approved* by the *code official*.

105.5 Approved materials and equipment. Materials, equipment and devices *approved* by the *code official* shall be constructed and installed in accordance with such approval.

105.6 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

SECTION 106
VIOLATIONS

106.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

106.2 Notice of violation. The *code official* shall serve a notice of violation or order in accordance with Section ~~107~~. 15.04.090 of the Village Code

ny person who olates a provision f this code ıall be subject ı enforcement ·oceedings as ·ovided in ıapter 15.04 f the Village ode.

106.3 Prosecution of violation. ~~Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *code official* shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful *occupancy* of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.~~ Any action taken by the authority having jurisdiction on such *premises* shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. ~~Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~ And Chapter 15.04.09 of the Village Code

106.5 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal *occupancy* of a building, structure or *premises*, or to stop an illegal act, conduct, business or utilization of the building, structure or *premises*.

SECTION 107
NOTICES AND ORDERS

107.1 Notice to person responsible. Whenever the *code official* determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.

107.2 Form. Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *dwelling unit* or structure into compliance with the provisions of this code.
5. Inform the property *owner* of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 106.3.

107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

107.4 Unauthorized tampering. Signs, tags or seals posted or affixed by the *code official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *code official*.

107.5 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

107.6 Transfer of ownership. It shall be unlawful for the *owner* of any ~~*dwelling unit* or~~ structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such ~~*dwelling unit* or~~ structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *code official* and shall furnish to the *code official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and

fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

SECTION 108
UNSAFE STRUCTURES AND EQUIPMENT

108.1 General. When a structure or equipment is found by the *code official* to be unsafe, or when a structure is found unfit for human *occupancy*, or is found unlawful, such structure shall be *condemned* pursuant to the provisions of this code.

108.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the structure by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

108.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the *premises* or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or *occupants* of the *premises* or structure.

108.1.3 Structure unfit for human occupancy. A structure is unfit for human *occupancy* whenever the *code official* finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the *occupants* of the structure or to the public.

108.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

108.1.5 Dangerous *structure* or *premises*. For the purpose of this code, any structure or *premises* that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect*, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become *detached* or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so *anchored*, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and *occupancy*.
7. The building or structure is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the *approved* building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, *ventilation*, mechanical or plumbing system, or otherwise, is determined by the *code official* to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the *code official* to be a threat to life or health.
11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

108.2 Closing of vacant structures. If the structure is vacant and unfit for human habitation and *occupancy*, and is not in danger of structural collapse, the *code official* is authorized to

post a placard of condemnation on the *premises* and order the structure closed up so as not to be an attractive nuisance. Upon failure of the *owner* to close up the *premises* within the time specified in the order, the *code official* shall cause the *premises* to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

108.2.1 Authority to disconnect service utilities. The *code official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The *code official* shall notify the serving utility and, whenever possible, the *owner* and *occupant* of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the *owner* or *occupant* of the building structure or service system shall be notified in writing as soon as practical thereafter.

108.3 Notice. Whenever the *code official* has *condemned* a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the *owner* or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the *condemned* equipment. The notice shall be in the form prescribed in Section 107.2.

108.4 Placarding. Upon failure of the *owner* or person responsible to comply with the notice provisions within the time given, the *code official* shall post on the *premises* or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the *premises*, operating the equipment or removing the placard.

108.4.1 Placard removal. The *code official* shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the *code official* shall be subject to the penalties provided by this code.

108.5 Prohibited occupancy. Any occupied structure *condemned* and placarded by the *code official* shall be vacated as ordered by the *code official*. Any person who shall occupy a placarded *premises* or shall operate placarded equipment, and any *owner* or any person responsible for the *premises* who shall let anyone occupy a placarded *premises* or operate placarded equipment shall be liable for the penalties provided by this code.

108.6 Abatement methods. The *owner*, *operator* or *occupant* of a building, *premises* or equipment deemed unsafe by the *code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action.

108.7 Record. The *code official* shall cause a report to be filed on an unsafe condition. The report shall state the *occupancy* of the structure and the nature of the unsafe condition.

SECTION 109
EMERGENCY MEASURES

109.1 Imminent danger. When, in the opinion of the *code official*, there is *imminent danger* of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building *occupants* or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the *code official* is hereby authorized and empowered to order and require the *occupants* to vacate the *premises* forthwith. The *code official* shall cause to be posted at each entrance to such structure a notice reading as follows: "This *Structure* Is Unsafe and Its *Occupancy* Has Been Prohibited by the *Code Official*." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the *code official*, there is *imminent danger* due to an unsafe condition, the *code official* shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the *code official* deems necessary to meet such emergency.

109.3 Closing streets. When necessary for public safety, the *code official* shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, *public ways* and places adjacent to unsafe structures, and prohibit the same from being utilized.

109.4 Emergency repairs. For the purposes of this section, the *code official* shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

109.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the *owner* of the *premises* where the unsafe structure is or was located for the recovery of such costs.

109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION 110
DEMOLITION

110.1 General. The *code official* shall order the *owner* of any *premises* upon which is located any structure, which in the *code official* judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occu-

pancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the *owner's* option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the *code official* shall order the *owner* to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless *approved* by the building official.

110.2 Notices and orders. All notices and orders shall comply with Section 107. and Section 15.04.090 of the Village Code

110.3 Failure to comply. If the *owner* of a *premises* fails to comply with a demolition order within the time prescribed, the *code official* shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

110.4 Salvage materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

SECTION 111
MEANS OF APPEAL

111.1 Application for appeal. Any person directly affected by a decision of the *code official* or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

zoning

as provided in Chapter 5.72 of the Village Code

111.2 Membership of board. ~~The board of appeals shall consist of a minimum of three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The *code official* shall be an ex officio member but shall have no vote on any matter before the board. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.~~

~~**111.2.1 Alternate members.** The chief appointing authority shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.~~

~~**111.2.2 Chairman.** The board shall annually select one of its members to serve as chairman.~~

~~**111.2.3 Disqualification of member.** A member shall not hear an appeal in which that member has a personal, professional or financial interest.~~

~~**111.2.4 Secretary.** The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.~~

~~**111.2.5 Compensation of members.** Compensation of members shall be determined by law.~~

~~**111.3 Notice of meeting.** The board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.~~

~~**111.4 Open hearing.** All hearings before the board shall be open to the public. The appellant, the appellant's representative, the *code official* and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds of the board membership.~~

~~**111.4.1 Procedure.** The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.~~

~~**111.5 Postponed hearing.** When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.~~

~~**111.6 Board decision.** The board shall modify or reverse the decision of the *code official* only by a concurring vote of a majority of the total number of appointed board members.~~

~~**111.6.1 Records and copies.** The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the *code official*.~~

~~**111.6.2 Administration.** The *code official* shall take immediate action in accordance with the decision of the board.~~

~~**111.7 Court review.** Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.~~

~~**111.8 Stays of enforcement.** Appeals of notice and orders (other than *Imminent Danger* notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.~~

SECTION 112
STOP WORK ORDER

112.1 Authority. Whenever the *code official* finds any work regulated by this code being performed in a manner contrary to

the provisions of this code or in a dangerous or unsafe manner, the *code official* is authorized to issue a stop work order.

112.2 Issuance. A stop work order shall be in writing and shall be given to the *owner* of the property, to the *owner's* agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

112.3 Emergencies. Where an emergency exists, the *code official* shall not be required to give a written notice prior to stopping the work.

112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a ~~fine~~ fee of not less than [~~AMOUNT~~] 250 dollars or more than [~~AMOUNT~~] 750 dollars.

CHAPTER 2
DEFINITIONS

SECTION 201
GENERAL

201.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *International Building Code, International Fire Code, International Zoning Code, International Plumbing Code, International Mechanical Code* or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

201.5 Parts. Whenever the words "*dwelling unit*," "dwelling," "*premises*," "building," "*rooming house*," "*rooming unit*," "*housekeeping unit*" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

SECTION 202
GENERAL DEFINITIONS

ANCHORED. Secured in a manner that provides positive connection.

APPROVED. *Approved* by the *code official*.

BASEMENT. That portion of a building which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or *sleeping unit*.

CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDEMN. To adjudge unfit for *occupancy*.

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

[B] DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee *owner*(s) of the property. The *easement* shall be permitted to be for use under, on or above a said lot or lots.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

EXTERIOR PROPERTY. The open space on the *premises* and on adjoining property under the control of *owners* or *operators* of such *premises*.

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

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. *Bathrooms*, *toilet rooms*, closets, halls, storage or utility spaces, and similar areas are not considered *habitable spaces*.

HOUSEKEEPING UNIT. A room or group of rooms forming a single *habitable space* equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or *premises* of insects, rats, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-*labeled* items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LET FOR OCCUPANCY OR LET. To permit, provide or offer possession or *occupancy* of a dwelling, *dwelling unit*, *rooming unit*, building, premise or structure by a person who is or is not the legal *owner* of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a

recorded or unrecorded agreement of contract for the sale of land.

NEGLECT. The lack of proper maintenance for a building or *structure*.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed *ventilation* and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or *premises* which is let or offered for *occupancy*.

OWNER. Any person, agent, *operator*, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other *approved pest elimination* methods.

PREMISES. A lot, plot or parcel of land, *easement* or *public way*, including any structures thereon.

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

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

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, *yard* trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials. (Also see "Refuse" in Village Code Section 8.16).

[B] SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a *dwelling unit* are not *sleeping units*.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal *owner* of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

ULTIMATE DEFORMATION. The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD. An open space on the same lot with a structure.

CHAPTER 3

GENERAL REQUIREMENTS

SECTION 301
GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and *exterior property*.

301.2 Responsibility. The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy *premises* which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit*, *rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit*, *rooming unit*, *housekeeping unit* or *premises* which they occupy and control.

301.3 Vacant structures and land. All vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302
EXTERIOR PROPERTY AREAS

302.1 Sanitation. All *exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* which such *occupant* occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage. All *premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: *Approved* retention areas and reservoirs.

302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Weeds. All *premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of ~~(jurisdiction to insert height in inches)~~ six (6) inches. All noxious weeds as identified in Section 8.20 of the Village Code shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property and any liens filed against the property as provided for in Chapter 8.2 of the Village Code.

302.5 Rodent harborage. All structures and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes which will not be injurious to human health. After *pest elimination*, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another *tenant*.

302.7 Accessory structures. All accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any *premises*, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and *approved* for such purposes.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

~~SECTION 303~~
~~SWIMMING POOLS, SPAS AND HOT TUBS~~

~~**303.1 Swimming pools.** Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.~~

~~**303.2 Enclosures.** Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self closing and self latching. Where the self latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self closing and self latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure~~

~~shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.~~

~~**Exception:** Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.~~

SECTION 304
EXTERIOR STRUCTURE

304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the ~~*International Existing Building Code* as required for existing buildings~~: Village Code

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored,* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official.*

304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. ~~Peeling, flaking and chipped paint shall be eliminated and surfaces repainted~~. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

[F] 304.3 Premises identification. Buildings shall have *approved* address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. ~~These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).~~

304.4 Structural members. All structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be

kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.8 Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.9 Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards. Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing. All glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.14 Insect screens. ~~During the period from [DATE] to [DATE], every door, window and other outside opening required for~~ *ventilation* of ~~habitable rooms,~~ food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

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Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

304.15 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to *dwelling units* and *sleeping units* shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement hatchways. Every *basement* hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows. Every *basement* window that is openable shall be supplied with rodent shields, storm windows or other *approved* protection against the entry of rodents.

304.18 Building security. Doors, windows or hatchways for *dwelling units*, room units or *housekeeping units* shall be provided with devices designed to provide security for the *occupants* and property within.

304.18.1 Doors. Doors providing access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

304.18.2 Windows. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a window sash locking device.

304.18.3 Basement hatchways. *Basement* hatchways that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

SECTION 305
INTERIOR STRUCTURE

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. *Occupants* shall keep that part of the structure which they occupy or control in a clean and sanitary condition. ~~Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property~~.

305.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the ~~*Inter-*~~

~~*national Existing Building Code*~~ as required for existing buildings: Village Code

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including *guards* and handrails, are not structurally sound, not properly *anchored* or are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official.*

305.2 Structural members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. ~~Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered.~~ Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

305.5 Handrails and guards. Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

305.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

SECTION 306
COMPONENT SERVICEABILITY

306.1 General. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

306.1.1 Unsafe conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:
   - 1.1. Collapse of footing or foundation system;
   - 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion;
   - 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
   - 1.4. Inadequate soil as determined by a geotechnical investigation;
   - 1.5. Where the allowable bearing capacity of the soil is in doubt; or
   - 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
2. Concrete that has been subjected to any of the following conditions:
   - 2.1. *Deterioration*;
   - 2.2. *Ultimate deformation*;
   - 2.3. Fractures;
   - 2.4. Fissures;
   - 2.5. Spalling;
   - 2.6. Exposed reinforcement; or
   - 2.7. *Detached*, dislodged or failing connections.
3. Aluminum that has been subjected to any of the following conditions:
   - 3.1. *Deterioration*;
   - 3.2. Corrosion;
   - 3.3. Elastic deformation;
   - 3.4. *Ultimate deformation*;
   - 3.5. Stress or strain cracks;
   - 3.6. Joint fatigue; or
   - 3.7. *Detached*, dislodged or failing connections.

4. Masonry that has been subjected to any of the following conditions:
   - 4.1. *Deterioration*;
   - 4.2. *Ultimate deformation*;
   - 4.3. Fractures in masonry or mortar joints;
   - 4.4. Fissures in masonry or mortar joints;
   - 4.5. Spalling;
   - 4.6. Exposed reinforcement; or
   - 4.7. *Detached*, dislodged or failing connections.
5. Steel that has been subjected to any of the following conditions:
   - 5.1. *Deterioration*;
   - 5.2. Elastic deformation;
   - 5.3. *Ultimate deformation*;
   - 5.4. Metal fatigue; or
   - 5.5. *Detached*, dislodged or failing connections.
6. Wood that has been subjected to any of the following conditions:
   - 6.1. *Ultimate deformation*;
   - 6.2. *Deterioration*;
   - 6.3. Damage from insects, rodents and other vermin;
   - 6.4. Fire damage beyond charring;
   - 6.5. Significant splits and checks;
   - 6.6, Horizontal shear cracks;
   - 6.7. Vertical shear cracks;
   - 6.8. Inadequate support;
   - 6.9. *Detached*, dislodged or failing connections; or
   - 6.10. Excessive cutting and notching.

Exceptions:

1. When substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

SECTION 307
HANDRAILS AND GUARDRAILS

307.1 General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have *guards*. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. *Guards* shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: *Guards* shall not be required where exempted by the adopted building code.

SECTION 308
RUBBISH AND GARBAGE

308.1 Accumulation of rubbish or garbage. All *exterior property* and *premises*, and the interior of every structure, shall be free from any accumulation of *rubbish* or garbage.

308.2 Disposal of rubbish. Every *occupant* of a structure shall dispose of all *rubbish* in a clean and sanitary manner by placing such *rubbish* in *approved* containers.

308.2.1 Rubbish storage facilities. The *owner* of every occupied *premises* shall supply *approved* covered containers for *rubbish*, and the *owner* of the *premises* shall be responsible for the removal of *rubbish*.

308.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on *premises* without first removing the doors.

308.3 Disposal of garbage. Every *occupant* of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an *approved* garbage disposal facility or *approved* garbage containers.

~~**308.3.1 Garbage facilities.** The *owner* of every dwelling shall supply one of the following: an *approved* mechanical food waste grinder in each *dwelling unit*; an *approved* incinerator unit in the structure available to the *occupants* in each *dwelling unit*; or an *approved* leakproof, covered, outside garbage container.~~

308.3.2 Containers. The *operator* of every establishment producing garbage shall provide, and at all times cause to be utilized, *approved* leakproof containers provided with close-fitting covers for the storage of such materials until removed from the *premises* for disposal.

SECTION 309
PEST ELIMINATION

309.1 Infestation. All structures shall be kept free from insect and rodent *infestation*. All structures in which insects or rodents are found shall be promptly exterminated by *approved* processes that will not be injurious to human health. After *pest elimination*, proper precautions shall be taken to prevent reinfestation.

309.2 Owner. The *owner* of any structure shall be responsible for *pest elimination* within the structure prior to renting or leasing the structure.

309.3 Single occupant. The *occupant* ~~of a one-family dwelling or~~ of a single-*tenant* nonresidential structure shall be responsible for *pest elimination* on the *premises*.

309.4 Multiple occupancy. The *owner* of a structure containing two or more *dwelling units*, a multiple *occupancy*, a *rooming house* or a nonresidential structure shall be responsible for

pest elimination in the public or shared areas of the structure and *exterior property*. If *infestation* is caused by failure of an *occupant* to prevent such *infestation* in the area occupied, the *occupant* and *owner* shall be responsible for *pest elimination*.

309.5 Occupant. The *occupant* of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the *infestations* are caused by defects in the structure, the *owner* shall be responsible for *pest elimination*.

CHAPTER 4

LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION 401
GENERAL

401.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for light, *ventilation* and space for occupying a structure.

401.2 Responsibility. The *owner* of the structure shall provide and maintain light, *ventilation* and space conditions in compliance with these requirements. A person shall not occupy as *owner-occupant*, or permit another person to occupy, any *premises* that do not comply with the requirements of this chapter.

401.3 Alternative devices. In lieu of the means for natural light and *ventilation* herein prescribed, artificial light or mechanical *ventilation* complying with the *International Building Code* shall be permitted.

SECTION 402
LIGHT

402.1 Habitable spaces. Every *habitable space* shall have at least one window of *approved* size facing directly to the outdoors or to a court. The minimum total glazed area for every *habitable space* shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

> **Exception:** Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m^2). The exterior glazing area shall be based on the total floor area being served.

402.2 Common halls and stairways. Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m^2) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 footcandle (11 lux) at floors, landings and treads.

402.3 Other spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe *occupancy* of the space and utilization of the appliances, equipment and fixtures.

SECTION 403
VENTILATION

403.1 Habitable spaces. Every *habitable space* shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1.

> **Exception:** Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m^2). The *ventilation* openings to the outdoors shall be based on a total floor area being ventilated.

403.2 Bathrooms and toilet rooms. Every *bathroom* and *toilet room* shall comply with the *ventilation* requirements for *habitable spaces* as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical *ventilation* system. Air exhausted by a mechanical *ventilation* system from a *bathroom* or *toilet room* shall discharge to the outdoors and shall not be recirculated.

~~**403.3 Cooking facilities.** Unless *approved* through the certificate of *occupancy*, cooking shall not be permitted in any *rooming unit* or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the *rooming unit* or dormitory unit.~~

~~**Exceptions:**~~

~~1. Where specifically *approved* in writing by the *code official*.~~

~~2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.~~

403.4 Process ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust *ventilation* system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

403.5 Clothes dryer exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions.

> **Exception:** Listed and *labeled* condensing (ductless) clothes dryers.

SECTION 404
OCCUPANCY LIMITATIONS

404.1 Privacy. *Dwelling units*, hotel units, *housekeeping units*, *rooming units* and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

404.2 Minimum room widths. A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

404.3 Minimum ceiling heights. *Habitable spaces*, hallways, corridors, laundry areas, *bathrooms*, *toilet rooms* and habitable *basement* areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. ~~In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.~~
2. ~~*Basement* rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.~~
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.

404.4 Bedroom and living room requirements. Every *bedroom* and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

404.4.1 Room area. Every living room shall contain at least 120 square feet (11.2 m^2) and every *bedroom* shall contain at least 70 square feet (6.5 m^2).

404.4.2 Access from bedrooms. *Bedrooms* shall not constitute the only means of access to other *bedrooms* or *habitable spaces* and shall not serve as the only means of egress from other *habitable spaces*.

Exception: Units that contain fewer than two *bedrooms*.

404.4.3 Water closet accessibility. Every *bedroom* shall have access to at least one water closet and one lavatory without passing through another *bedroom*. Every *bedroom* in a *dwelling unit* shall have access to at least one water closet and lavatory located in the same story as the *bedroom* or an adjacent story.

404.4.4 Prohibited occupancy. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

404.4.5 Other requirements. *Bedrooms* shall comply with the applicable provisions of this code including, but not limited to, the light, *ventilation*, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

404.5 Overcrowding. The number of persons occupying a *dwelling unit* shall not create conditions that, in the opinion of the *code official*, endanger the life, health, safety or welfare of the *occupants*.

404.6 Efficiency unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than two *occupants* shall have a clear floor area of not less than 220 square feet (20.4 m^2). A unit occupied by three *occupants* shall have a clear floor area of not less than 320 square feet (29.7 m^2). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and *ventilation* conforming to this code shall be provided.
3. The unit shall be provided with a separate *bathroom* containing a water closet, lavatory and bathtub or shower.
4. The maximum number of *occupants* shall be three.

404.7 Food preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

CHAPTER 5

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 501
GENERAL

501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility. The *owner* of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any structure or *premises* which does not comply with the requirements of this chapter.

[P] SECTION 502
REQUIRED FACILITIES

502.1 Dwelling units. Every *dwelling unit* shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

502.2 Rooming houses. At least one water closet, lavatory and bathtub or shower shall be supplied for each four *rooming units*.

502.3 Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten *occupants*.

502.4 Employees' facilities. A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

502.4.1 Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in *toilet rooms* or *bathrooms*.

State of Illinois Plumbing Code 2004 Edition

502.5 Public toilet facilities. Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the ~~*International Plumbing Code*~~. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during *occupancy* of the *premises*.

[P] SECTION 503
TOILET ROOMS

503.1 Privacy. *Toilet rooms* and *bathrooms* shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared *bathrooms* and *toilet rooms* in a multiple dwelling.

503.2 Location. *Toilet rooms* and *bathrooms* serving hotel units, *rooming units* or dormitory units or *housekeeping units*, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

503.3 Location of employee toilet facilities. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of ~~500~~ feet ~~(152 m)~~. Employee facilities shall either be separate facilities or combined employee and public facilities. 300

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of ~~500~~ feet ~~(152 m)~~ from the employees' regular working area to the facilities. 300

503.4 Floor surface. In other than *dwelling units*, every *toilet room* floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

[P] SECTION 504
PLUMBING SYSTEMS AND FIXTURES

504.1 General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

504.2 Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

504.3 Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the *occupants* or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, *deterioration* or damage or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

SECTION 505
WATER SYSTEM

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an *approved* private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the ~~*International Plumbing Code*~~. State of Illinois Plumbing Code 2004 Edition

[P] 505.2 Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumb-

ing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

505.3 Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas-burning water heater shall not be located in any *bathroom*, *toilet room*, *bedroom* or other occupied room normally kept closed, unless adequate combustion air is provided. An *approved* combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

[P] SECTION 506
SANITARY DRAINAGE SYSTEM

506.1 General. All plumbing fixtures shall be properly connected to ~~either a public sewer system or to an *approved* private sewage disposal system~~.

the Village of Winnetka sanitary sewer system
In accordance with Chapter 24 of the Village Code

506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

506.3 Grease interceptors. Where it has been determined that a grease interceptor is not being maintained and serviced as intended by this code and the manufacturer's instructions, an *approved* interceptor monitoring system shall be provided or a maintenance program shall be established with documentation submitted to the *code official*.

[P] SECTION 507
STORM DRAINAGE

507.1 General. Drainage of roofs and paved areas, *yards* and courts, and other open areas on the *premises* shall n~~ot be discharged in a manner that creates a public nuisance.~~

comply with the applicable provisions of Chapter 15.24 and 15.68 of the Village Code. Such drainage shall not be discharged in a manner that creates a public nuisance

The installation, alteration, repair and replacement of all mechanical equipment and appliances shall be subject to the provisions of the ICC Mechanical Code, 2003 Edition

CHAPTER 6

MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601
GENERAL

601.1 Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility. The *owner* of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any *premises* which does not comply with the requirements of this chapter.

SECTION 602
HEATING FACILITIES

602.1 Facilities required. Heating facilities shall be provided in structures as required by this section.

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms* based on the winter outdoor design temperature for the locality indicated in Appendix D of the *International Plumbing Code*. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

Exception: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

602.3 Heat supply. Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from [DATE] to [DATE] to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

Oct. 15
April 15

Exceptions:

1. ~~When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.~~
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from ~~[DATE]~~ Oct. 15 to ~~[DATE]~~ April 15 to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

602.5 Room temperature measurement. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

SECTION 603
MECHANICAL EQUIPMENT

603.1 Mechanical appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

603.2 Removal of combustion products. All fuel-burning equipment and appliances shall be connected to an *approved* chimney or vent.

Exception: Fuel-burning equipment and appliances which are *labeled* for unvented operation.

603.3 Clearances. All required clearances to combustible materials shall be maintained.

603.4 Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

603.5 Combustion air. A supply of air for complete combustion of the fuel and for *ventilation* of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

603.6 Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless *labeled* for such purpose and the installation is specifically *approved*.

SECTION 604
ELECTRICAL FACILITIES

604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional

Such electrical system shall be property connected to the Village of Winnetka Municipal Electric Utility in accordance with Chapter 13.08 of the Village Code

the National Electrical Code, 2002 Edition.

facilities in accordance with ~~NFPA 70~~. *Dwelling units* shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than ~~60~~ amperes. 200

604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the *occupants* or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, *deterioration* or damage, or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

604.3.1 Abatement of electrical hazards associated with water exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

604.3.1.1 Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the *International Building Code*.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated 600 volts or less;
2. Busway, rated 600 volts or less;
3. Panelboards, rated 600 volts or less;
4. Switchboards, rated 600 volts or less;
5. Fire pump controllers, rated 600 volts or less;
6. Manual and magnetic motor controllers;
7. Motor control centers;
8. Alternating current high-voltage circuit breakers;
9. Low-voltage power circuit breakers;
10. Protective relays, meters and current transformers;
11. Low- and medium-voltage switchgear;
12. Liquid-filled transformers;
13. Cast-resin transformers;
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
16. Luminaires that are listed as submersible;
17. Motors;
18. Electronic control, signaling and communication equipment.

604.3.2 Abatement of electrical hazards associated with fire exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

604.3.2.1 Electrical equipment. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the *International Building Code*.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

SECTION 605
ELECTRICAL EQUIPMENT

605.1 Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and *approved* manner.

605.2 Receptacles. Every *habitable space* in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every *bathroom* shall contain at least one receptacle. Any new *bathroom* receptacle outlet shall have ground fault circuit interrupter protection.

605.3 Luminaires. Every public hall, interior stairway, *toilet room*, kitchen, *bathroom*, laundry room, boiler room and furnace room shall contain at least one electric luminaire.

SECTION 606
ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building *operator* or be posted in a publicly conspicuous location *approved* by the *code official*. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

606.2 Elevators. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

SECTION 607
DUCT SYSTEMS

607.1 General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

The minimum conditions and standards for fire safety relating to structures and exterior premised, including fire safety facilities and equipment to be provided shall be governed by the provisions of this chapter and applicable provisions of the Village Code, including the International Fire Code, 2003 Edition and NFPA 101 Life Safety Code, 2000 Edition, as said codes are adopted and amended by the Village of Winnetka pursuant to Chapter 15.16 of the Village Code. In the event a conflict between these codes, the most restrictive code shall apply.

applicable provisions of the Village Code, including the International Fire Code, 2003 Edition, NFPA 72, National Fire Alarm Code, 1996 Edition, as said codes are adopted and amended by the Village of Winnetka pursuant to Chapters 8.04 and 15.16 of the Village Code. In the event of a conflict between these codes, the most restrictive code shall apply.

CHAPTER 7

FIRE SAFETY REQUIREMENTS

SECTION 701
GENERAL

701.1 Scope. ~~The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior *premises*, including fire safety facilities and equipment to be provided.~~

701.2 Responsibility. The *owner* of the *premises* shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any *premises* that do not comply with the requirements of this chapter.

[F] SECTION 702
MEANS OF EGRESS

702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the *public way*. Means of egress shall comply with the *International Fire Code*. 2003 Edition as adopted by the Village

702.2 Aisles. The required width of aisles in accordance with the *International Fire Code* shall be unobstructed.
2003 Edition as adopted by the Village

702.3 Locked doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *International Building Code*. 2003 Edition as adopted by the Village of Winnetka

702.4 Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

[F] SECTION 703
FIRE-RESISTANCE RATINGS

703.1 Fire-resistance-rated assemblies. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

703.2 Opening protectives. Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

[F] SECTION 704
FIRE PROTECTION SYSTEMS

704.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with ~~the *International Fire Code*~~.

704.1.1 Automatic sprinkler systems. Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25.

704.2 Smoke alarms. Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of *occupant* load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of *bedrooms*.
2. In each room used for sleeping purposes.
3. In each story within a *dwelling unit*, including *basements* and cellars but not including crawl spaces and uninhabitable attics. In dwellings or *dwelling units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single- or multiple-station smoke alarms shall be installed in other groups in accordance with ~~the *International Fire Code*.~~

704.3 Power source. In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exception: Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or *basement* available which could provide access for building wiring without the removal of interior finishes.

704.4 Interconnection. Where more than one smoke alarm is required to be installed within an individual *dwelling unit* in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible

in all *bedrooms* over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings which are not undergoing alterations, repairs or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or *basement* available which could provide access for interconnection without the removal of interior finishes.

CHAPTER 8

REFERENCED STANDARDS

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 102.7.

ASME

American Society of Mechanical Engineers
Three Park Avenue
New York, NY 10016-5990

Standard reference number	Title	Referenced in code section number
A17.1/CSA B44—2007	Safety Code for Elevators and Escalators	606.1

ASTM

ASTM International
100 Barr Harbor Drive
West Conshohocken, PA 19428-2959

Standard reference number	Title	Referenced in code section number
F1346—91 (2003)	Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs	303.2

ICC

International Code Council
500 New Jersey Avenue, NW
6th Floor
Washington, DC 20001

Standard reference number	Title	Referenced in code section number
IBC—09	International Building Code®	102.3, 201.3, 401.3, 702.3
IFC—09	International Fire Code®	201.3, 604.3.1.1, 604.3.2.1, 702.1, 702.2, 704.1, 704.2
IEBC—09	International Existing Building Code®	305.1.1, 306.1.1
IFGC—09	International Fuel Gas Code®	102.3
IMC—09	International Mechanical Code®	102.3, 201.3
IPC—09	International Plumbing Code®	201.3, 505.1, 602.2, 602.3
IZC—09	International Zoning Code®	102.3, 201.3

NFPA

National Fire Protection Association
1 Batterymarch Park
Quincy, MA 02269

Standard reference number	Title	Referenced in code section number
25—08	Inspection, Testing and Maintenance of Water-based Fire Protection Systems	704.1.1
70—08	National Electrical Code	102.4, 201.3, 604.2

APPENDIX A

BOARDING STANDARD

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

A101
GENERAL

A101.1 General. All windows and doors shall be boarded in an *approved* manner to prevent entry by unauthorized persons and shall be painted to correspond to the color of the existing structure.

A102
MATERIALS

A102.1 Boarding sheet material. Boarding sheet material shall be minimum $^1/_2$-inch (12.7 mm) thick wood structural panels complying with the *International Building Code*.

A102.2 Boarding framing material. Boarding framing material shall be minimum nominal 2-inch by 4-inch (51 mm by 102 mm) solid sawn lumber complying with the *International Building Code*.

A102.3 Boarding fasteners. Boarding fasteners shall be minimum $^3/_8$-inch (9.5 mm) diameter carriage bolts of such a length as required to penetrate the assembly and as required to adequately attach the washers and nuts. Washers and nuts shall comply with the *International Building Code*.

A103
INSTALLATION

A103.1 Boarding installation. The boarding installation shall be in accordance with Figures A103.1(1) and A103.1(2) and Sections A103.2 through A103.5.

A103.2 Boarding sheet material. The boarding sheet material shall be cut to fit the door or window opening neatly or shall be cut to provide an equal overlap at the perimeter of the door or window.

A103.3 Windows. The window shall be opened to allow the carriage bolt to pass through or the window sash shall be removed and stored. The 2-inch by 4-inch (51 mm by 102 mm) strong back framing material shall be cut minimum 2 inches (51 mm) wider than the window opening and shall be placed on the inside of the window opening 6 inches minimum above the bottom and below the top of the window opening. The framing and boarding shall be predrilled. The assembly shall be aligned and the bolts, washers and nuts shall be installed and secured.

A103.4 Door walls. The door opening shall be framed with minimum 2-inch by 4-inch (51 mm by 102 mm) framing material secured at the entire perimeter and vertical members at not more than 24 inches (610 mm) on center. Blocking shall also be secured at not more than 48 inches (1219 mm) on center vertically. Boarding sheet material shall be secured with screws and nails alternating every 6 inches (152 mm) on center.

A103.5 Doors. Doors shall be secured by the same method as for windows or door openings. One door to the structure shall be available for authorized entry and shall be secured and locked in an *approved* manner.

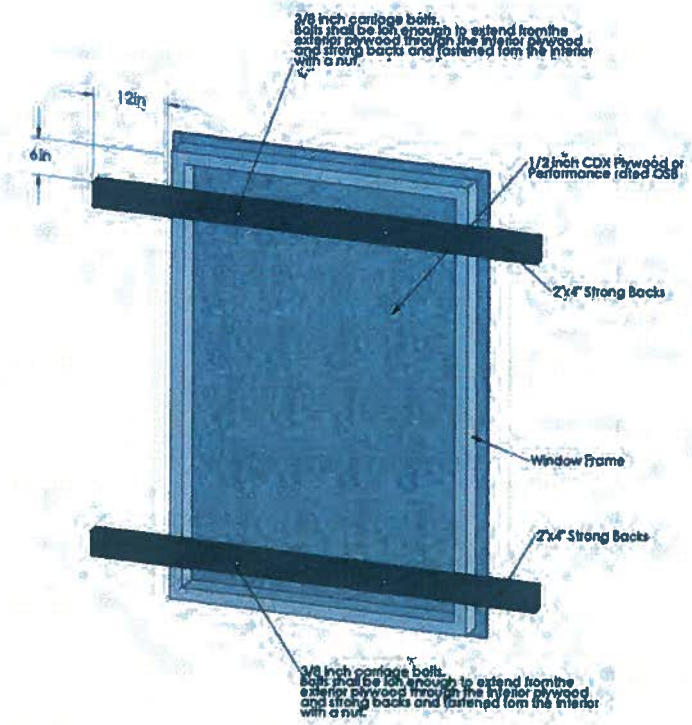

FIGURE A103.1(1)
BOARDING OF DOOR OR WINDOW

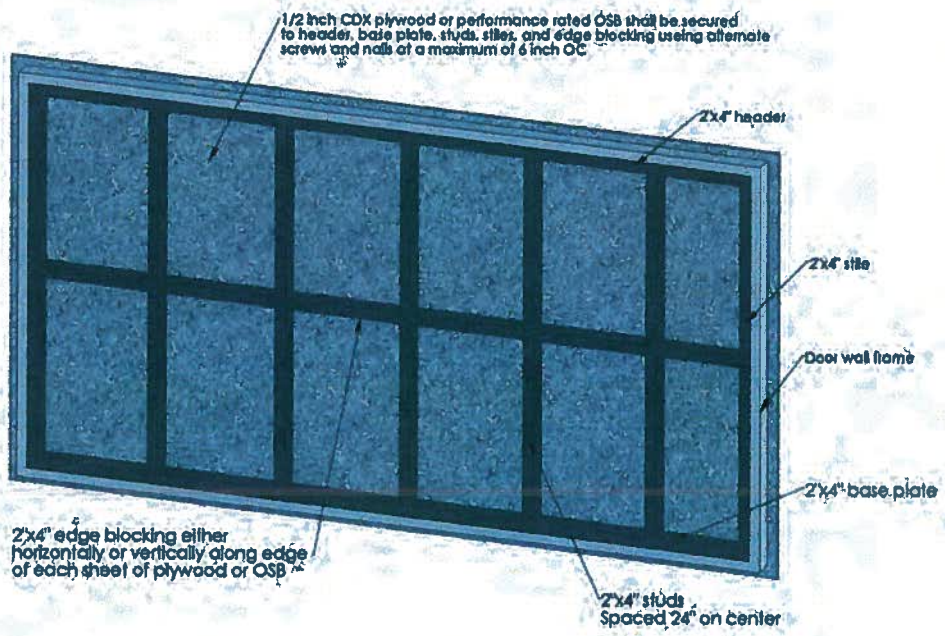

FIGURE A103.1(2)
BOARDING OF DOOR WALL

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EDITORIAL CHANGES – FOURTH PRINTING

Page 11, Section 302.5: line 5 now reads . . . health. After *pest elimination*, proper precautions shall be

Page 15, Section 309.1: line 4 and 5 now reads . . . processes that will not be injurious to human health. After *pest elimination*, proper precautions shall be taken to prevent

Page 15, Section 309.2: line 2 now reads . . . for *pest elimination* within the structure prior to renting or leas-

Page 15, Section 309.3: line 3 now reads . . . responsible for *pest elimination* on the *premises*.

Page 16, Section 309.4: line 4 now reads . . . *pest elimination* in the public or shared areas of the structure

Page 16, Section 309.4: line 7 now reads . . . *occupant* and *owner* shall be responsible for *pest elimination*.

Page 16, Section 309.5: Exception , line 2 now reads . . . the structure, the *owner* shall be responsible for *pest elimi-*

Agenda Report

Subject: **Engineering Services Proposal: Cost-Benefit Analysis for Flood Risk Reduction Recommendations**

Prepared By: Steven M. Saunders, Director of Public Works/Village Engineer

Date: July 15, 2011

At the July 12, 2011 Study Session, the Village Council continued its discussion on developing a Stormwater Flood Risk Reduction Program for the Village. The Village's technical consultant, Christopher B. Burke Engineering Ltd. (CBBEL), has recommended improvements to reduce flood risk for 8 drainage areas within the Village. As a way to assist the Village Council in determining what priority level to assign to each recommended project, staff has recommended as a next step that a fiscal analysis of benefits associated with each project be undertaken.

Identifying monetary benefits associated with each particular project will provide staff and the Village Council with an additional, data-based tool to inform how the proposed projects are evaluated for implementation. The monetary benefit data can be used alongside other inputs such as timing with other capital improvements, realizing shared objectives with other local governments, and the overall priority of stormwater improvements compared with other Village objectives, to develop a long-term Flood Risk Reduction Program.

CBBEL has provided a proposal to perform this analysis for each of the 8 study areas contained in the 2009 and 2011 reports, a copy of which is attached. The proposed scope of work involves using well-accepted Benefit-Cost Analysis methodology developed by the Federal Emergency Management Agency (FEMA) to identify monetary benefits associated with structure flooding and roadway flooding/detours. This data will be combined with any economic benefit data that the Village can obtain from other agencies affected by flooding and reduced use of facilities (Park District and School Districts) to develop a reasonably complete picture of the incremental benefits associated with constructing each proposed improvement.

CBBEL has proposed a fee not-to exceed $14,800 for this work. The project deliverable will be a technical memorandum summarizing the data collected, assumptions and methods used, and the results. Staff estimates that this work could be completed by August 31, 2011 and presented to the Village Council at a fall Study Session, dependent on the number of ongoing items Council's calendar.

Recommendation:

Consider authorizing Christopher B. Burke Engineering Ltd. to complete a Benefit Cost Analysis of proposed improvement projects identified in the 2009 and 2011 Flood Risk Reduction Assessment Reports.

CHRISTOPHER B. BURKE ENGINEERING, LTD.
9575 West Higgins Road Suite 600 Rosemont, Illinois 60018 TEL (847) 823-0500 FAX(847) 823-0520

July 14, 2011

Village of Winnetka
510 Green Bay Road
Winnetka, IL 60093

Attention: Mr. Steven Saunders
Director of Public Works / Village Engineer

Subject: Proposal for Professional Engineering Services for a Benefit Cost Analysis of the Proposed Improvement Projects Identified in the 2009 and 2011 Flood Reduction Assessments for the Village of Winnetka

Dear Mr. Saunders:

Christopher B. Burke Engineering, Ltd. (CBBEL) has prepared this proposal for professional engineering services to prepare a Benefit Cost Analysis (BCA) for the eight (8) flood reduction improvements projects identified for the Village of Winnetka (Village). The 8 improvements projects were identified in the 2009 and 2011 flood reduction assessments for the western and eastern/northern portions of the Village. Included below is our Understanding of the Assignment, Scope of Services and Fee Estimate for preparation of the BCA.

UNDERSTANDING OF THE ASSIGNMENT

We understand the Village would like to use a BCA to assist with the prioritizing of the 8 proposed flood reduction improvements within the Village. The 8 projects identified in the flood reduction assessments have a concept design and associated conceptual cost to reduce flooding of both structures and roadway intersections throughout the Village. We will use the Benefit Cost Analysis Version 4.5.5.0 developed by the Federal Emergency Management Agency (FEMA) to assess damages for the 2-, 5-, and 10-year design storm events under existing and proposed conditions for individual structures. The FEMA BCA utilizes parameters including property values, structure type (two story, with basement), content value, and low entry elevations to determine the damages sustained for each design storm. The benefit is the difference in damages calculated for each structure under existing and proposed or with project conditions. While we do not have low entry elevations for every house in the project area, an estimation will be made based on the limited survey information we have and the aerial topography.

We will also use FEMA guidelines to assess the benefits associated with the reduced flooding at intersections and along roadways. The information used to determine benefits associated with roadways includes the depth and duration the roadway is closed for each design storm, the time spent for detour, average daily traffic count, and average dollar value per person hour or vehicle hour of delay. For any locations where average daily traffic counts are not known, we will work with Village staff to approximate the value. The depth and duration of flooding for each roadway has been determined for existing and proposed conditions using the dynamic Stormwater and Wastewater Management Model (XP-SWMM) Version 12.2 developed for the flood reduction assessments. The cost associated with roadway flooding will be calculated as a function of the detour time and average dollar value per person.

SCOPE OF SERVICES

Task 1 – Data Collection: CBBEL will collect property value assessments and structure types for structure that will benefit from the proposed projects. We will use average daily traffic count data from the Illinois Department of Transportation (IDOT) and Village, determine detour routes, and collect demographic data for the Village to determine benefits along roadways and intersections.

Task 2 – Traffic and Structural BCA: The information collected in Task 1 will be entered in to the FEMA BCA Version 4.5.5.0 to determine the benefits for the 2-, 5-, and 10-year design storm events. We currently have 36 surveyed low entry elevations throughout the Village. We will use the Cook County 1-foot aerial topography to determine additional low entry elevations in sensitive areas where necessary. Using FEMA methodology, we will combine detour routes and Village demographic data to determine the benefit for proposed projects related to roadway flooding.

Task 3 – Technical Memorandum: CBBEL will prepare a technical memorandum summarizing the BCA data collected, assumptions and results.

ESTIMATED FEE

Our estimated fee for this project is summarized in the following table. We will not exceed this fee without prior written authorization from the Village.

Task 1 -	Data Collection	$ 6,900
Task 2 -	Traffic and Structural BCA	$ 6,500
Task 3 -	Technical Memorandum	$ 1,400
	Total	$ 14,800

We will bill you at the hourly rates specified on the attached Schedule of Charges and establish our contract in accordance with the General Terms and Conditions previously agreed upon by the Village. The General Terms and Conditions are expressly incorporated into and are an integral part of this contract for professional services.

Please sign and return one copy of this agreement as an indication of acceptance and notice to proceed. Please feel free to contact us anytime.

Sincerely,

for

Christopher B. Burke, PhD, PE, D.WRE, F.ASCE
President

Attachment: Standard Charges

THIS PROPOSAL, SCHEDULE OF CHARGES AND GENERAL TERMS & CONDITIONS ACCEPTED FOR THE VILLAGE OF WINNETKA:

BY: _____

TITLE: _____

DATE: _____

CHRISTOPHER B. BURKE ENGINEERING, LTD.
STANDARD CHARGES FOR PROFESSIONAL SERVICES
JANUARY, 2009

Personnel	Charges* ($/Hr)
Principal	240
Engineer VI	210
Engineer V	173
Engineer IV	138
Engineer III	125
Engineer I/II	102
Survey V	178
Survey IV	132
Survey III	127
Survey II	100
Survey I	78
Resource Planner V	112
Resource Planner IV	108
Resource Planner III	100
Resource Planner I/II	88
Engineering Technician V	150
Engineering Technician IV	132
Engineering Technician III	107
Engineering Technician I/II	97
CAD Manager	138
Assistant CAD Manager	126
CAD II	125
CAD I	98
GIS Specialist III	120
GIS Specialist I/II	67
Landscape Architect	138
Environmental Resource Specialist V	154
Environmental Resource Specialist IV	134
Environmental Resource Specialist III	114
Environmental Resource Specialist I/II	94
Environmental Resource Technician	90
Administrative	88
Engineering Intern	53
Survey Intern	53
Information Technician III	97
Information Technician I/II	62

Direct Costs	
Outside Copies, Blueprints, Messenger, Delivery Services, Mileage	Cost + 12%

*Charges include overhead and profit

Christopher B. Burke Engineering, Ltd. reserves the right to increase these rates and costs by 5% after December 31, 2009

Please note: In recognition of the economic challenges facing our clients, we have not increased our schedule of charges since January 2009.

AGENDA REPORT

TO:	Village Council
PREPARED BY:	Robert M. Bahan, Village Manager Department Heads Assistant to the Village Manager
DATE:	July 15, 2011
SUBJECT:	Village Council Goals & Objectives
REFERENCE:	Council Strategic Planning Session from June 3, 2011

On Friday, June 3, 2011 the Village Council, Department Heads and key staff met at the Winnetka Community House for a facilitated strategic planning session. The purpose of undertaking the exercise was to get the Council and key Village staff on the leadership balcony to better see the big picture and look towards the future. It also enabled the Council to recognize and understand certain challenges facing the Village, identify tensions, and anticipate potential problems. In addition, the session allowed new members of the organization to share fresh perspectives and new ideas with those who have longer tenure and association with the Village.

The goal of undertaking this strategic planning effort was to develop a two-year work plan to clarify priorities and outline action steps that will assist the Council and staff to move forward effectively and efficiently. This process was designed to support ongoing, close collaboration between the Village Council and key staff members.

During the session on June 3rd, the Council identified strengths, weaknesses, opportunities and the threats of the Village. Thereafter, the team identified the following critical issues:

- Undergrounding electrical wires
- Financial planning – short and long term, pay method and financial education for the public
- Pensions and pension education
- Moderate priced housing
- Downtown revitalization plan – codes, economic development, transportation
- Storm water management
- Future use of land fill
- Communicate, inform and educate the public
- Technology upgrades
- Environmental sustainability
- Human Resources – retirements and transitions, succession planning
- Legislation – fighting bad legislation
- Regionalization of services and intergovernmental relations

Once the critical issues were identified, the participants were asked to prioritize the most important projects for the next two years. This exercise resulted in the following issues being identified in ranked order:

1. Downtown Revitalization
2. Technology Upgrades
3. Communication, Education and Public Relations
4. Storm Water Management
5. Financial Planning
6. Human Resources Planning

As shown below, these critical issues focus on internal improvements and external initiatives, as well efforts that bridge both arenas.

Internal
Technology Upgrades
Financial Planning
Human Resources Planning

External
Downtown Revitalization
Storm Water Management

Bridging –
Communication / Education / Public Relations
Financial Planning

Once the critical issues were prioritized, the participates broke out into small groups to draft preliminary, but specific, goal statements that were measureable, action-oriented, realistic, and time bound. Afterward these preliminary goal statements were discussed as a whole before being delegated to staff with the direction to draft proposed two-year action steps designed to achieve the stated objectives.

Attached, please find the first draft of these goals and action steps for the Council's review. As you consider this material, there a few points to keep in mind. First, these documents are intended to outline an ***amendable and flexible*** work plan to guide the Village as it addresses the identified critical issues moving forward. It is anticipated that refinement of these documents will be an ongoing process over the next two years. Second, while the organization has identified these specific critical issues, that does not mean that existing projects and initiatives no longer have relevance and will be abandoned. For example, the Village Hall renovation project will continue, projects already identified within the Village's Capital Plan will be brought forward for the Council's consideration, and the lower boards and commissions will continue to work on issues directed to their attention.

Recommendation: Review the Village of Winnetka's draft goals and action steps.

Downtown Revitalization

Goal - Strategy

Pursue activities and initiatives that will result in active and successful commercial business districts.

Narrative - Obstacles

The Village has four primary commercial business districts - Indian Hill, East Elm, West Elm and Hubbard Woods. Each business district has its own unique attributes which can be enhanced in order to create vibrant and active areas of commerce. The overall goal of the efforts listed below is to maintain and expand the retail and service offerings for residents and visitors, improve the quality of the building stock, generate additional sales tax revenue and improve property values. In order to accomplish this there are a number of obstacles to overcome, including but not limited to current economic conditions, not having a clear direction of what the Village wants its business district to be, aging buildings and infrastructure, a regulatory environment that can impact redevelopment and an ever changing retail environment.

Action Steps	Who	When	Status
Update Chapter V of the 2020 Comprehensive Plan (Bus. Dist. Issues & Recom)			
▶ **IDENTIFY PARTICIPANTS - DRAFT WORK PLAN & BUDGET**			
Identify scope of study, uses of plan (economic development, transportation/parking environment/parks/open space/sustainability, urban design/architecture/preservation)	Village Council	Sept. '11 (mo.1)	
Review previously conducted business district plans.	BCDC	Already completed	
Compile readily available business district statistics and data (land use, ownership, assessed valuation, rental / sales data, etc.	CD Staff	Sept. Oct '11 (mos.1-2)	
Review status of other organization plans (Post Office, Library, Community House, Park District, Chamber of Commerce, New Trier Township)	Village Council/Village President	Oct. '11 (mo.2)	
Based on preliminary "scoping study" above, update the topics and issues outlined below	Village Council	Nov. '11 (mo. 3)	
Identify major program co-sponsors if any (Chamber of Commerce, Park District), stakeholder/participants and goals.	Village Council	Nov. '11 (mo. 3)	
Draft a planning process, schedule, work program and budget (define role of "two-step" process involving Urban Land Institute)	CD Staff	Dec. '11 (mo. 4)	
Review with Village Council	CD Staff	Jan. '12 (mo. 5)	
Draft RFP for planning program and solicit proposals	CD Staff	Jan. '12 (mo. 5)	
▶ **IDENTIFY ISSUES - COLLECT AND ANALYZE DATA**			
Consultant review of planning program, concepts with program participants, stakeholders.	Consultant	Mar. '12 (mo.7)	
▶ Conduct public input via focus groups, interviewing stakeholders, other village boards/commissions, and public bodies i.e. park district, library, etc.	Consultant, Plan Com, BCDC	Apr. '12 (mo. 8)	
Identify issues and priorities	Consultant, Plan Com, BCDC	May-June '12 (mos.9-10)	
Collect and analyze data	Consultant	May-June '12 (mos.9-10)	
Review issues, data and priorities	Consultant, Plan Com, BCDC	June '12 (mo.10)	
Publish report on findings, conditions, trends and data	Consultant	July '12 (mo. 11)	
Revise work program as necessary	Plan Commission	July '12 (mo. 11)	
▶ **PREPARE AND ADOPT PLAN**			
Draft plan goals and policies	Consultant, Plan Com, BCDC	Aug. '12 (mo.12)	

Action Steps - Downtown Revitalization	Who	When	Status
Make projections of future development and other scenarios	Consultant	Aug. '12 (mo.12)	
Prepare alternative sketch plans	Consultant	Aug.-Sept '12 (mos.12-13)	
Evaluate alternative sketch plans	Consultant, Plan Com, BCDC	Oct. '12 (mo.14)	
Review of alternative plans and comments for inclusion in final plan, refine to form preliminary general plan	Consultant	Nov. '12 (mo.15)	
Draft implementation program	Consultant, Plan Com, BCDC	Dec.'12-Feb.'13 (mos.16-18)	
Publish preliminary plan	Consultant	Feb. '13 (mo 18)	
Review plan and solicit input	Plan Commission	Mar.-Apr.'13 (mos. 19-20)	
Formally review and adopt plan	Village Council	May-Aug '13 (mos.21-24)	
Conduct a Market Analysis			
Draft RFP and solicit market analysis proposals	CD Staff	Oct. '11 (mo. 2)	
► Conduct a market analysis of commercial business districts	Consultant	Dec.'11-Feb.12 (mos.4-6)	
► Review issues, data and priorities	Consultant, Plan Com, BCDC	Mar.'12 (mo.7)	
Review and Update Zoning Ordinance			
► Evaluate zoning regulations that effect development in the commercial business districts, including height, density, parking and PD regulations	ZBA, Plan Com. BCDC, CD Staff	Jan.- Apr.'12 (mos.5-9)	
Examine Existing Development & Review Process			
► Review existing building codes with respect to impact on upgrades to existing buildings	CD Staff, Fire Dept. Staff	Oct.'11 (mo.2)	
► Develop and establish an informal pre-application review process by Design Review Board for major development projects	Design Review Board	Nov.'11 (mo.3)	
► Examine possible incentive programs for building improvements	BCDC	Jan.-Feb.'11 (mos. 5-6)	
► Examine existing sign regulations	Design Review Board	June-Aug '12 (mo.10-12)	
Streetscape			
► Make a presentation to Village Council of all basic elements of streetscape improvements, including all associated costs.	Consultant, PW Staff	Oct.'11 (mo.2)	
► Discussion and analysis of financing tools which could be used to implement a streetscape program.	Finance Dept.	Oct.'11 (mo.2)	
► Village Council consideration of policy concerning streetscape including direction on how to proceed, including a financial plan.	Village Council	Oct.'11 (mo.2)	
Parking			
► Parking management analysis	Consultant	Feb.-Mar.'12 (mo.6-7)	
► Review and analysis of existing parking resources and demand; to include all parking users in the CBD's - retail, office, commuter and residential.	BCDC, Police, PW & CD Staff	Apr.-May '12 (mos. 8-9)	

Action Steps - Downtown Revitalization	Who	When	Status
► Implementation of Wayfinding signage	CD & PW Staff	May '12 (mo.9)	
Private Improvement Incentives Funding Program			
► Examine possibility of establishing a streetscape matching grant program	Village Council	July '12 (mo.11)	
► Examine possibility of establishing a building code upgrade funding program	Village Council	July '12 (mo.11)	
Marketing Communication Program			
► Create a BCDC web page section	BCDC, CD Staff	Mar. '12 (mo.7)	
► Develop a quarterly/semi-annual business newsletter	BCDC, CD Staff	May '12 (mo.9)	
► Conduct business retention surveys - visits	BCDC, CD Staff	Currently ongoing	
► Further examine development of a retail branding program	BCDC, CD Staff	Jan. '12 (mo.5)	
Commercial Business District Organization and Management			
► Consider establishment of not-for profit downtown development organization	Village Council, BCDC	Aug. '13 (mo.24)	
► Establish events that will promote shopping in the commercial business districts	BCDC, Chamber of Comm.	Jan. '12 (mo. 5)	
Open Space			
► Explore opportunities to make commercial district parks more active and make open space compatible with neighboring uses	Plan Commission, Park District	June '12 (mo.10)	
► Evaluate possible additions to open space	Plan Commission, Park District	July '12 (mo.11)	

Technology Upgrades

Goal - Strategy

Pursue technology initiatives to improve our operations and service delivery capabilities.

Narrative - Obstacles

The Village uses technology internally and externally in operations at all levels. Some of the Village's systems are behind industry standards, including the accounting system, operating systems, and website platforms. The Village should inventory existing software and hardware, evaluate industry / best practices, and develop a technology plan to enhance technology capabilities consistent with the Village's mission and our legal environment, including website, accounting software, records management, employee training, phone system, internet, etc.

Action Steps	Who	When	Status
Web Site Development			
► Conduct needs analysis - an open architecture design that is compatible with anticipated upgrades to the current accounting and CD software, provides strong transparency, is easy to use, provides e-government solutions, and can serve as the front end / portal to interface with our customers for a wide range of business practices and information inquiries.	Manager & DH's	7/2011	
► Issue an RFP or solicit proposals from a website provider to construct a new site.	Dept. Heads + EE Reps	8/2011	
► Hire a web site developer for a new Village website	Council & Purchasing	9/2011	
► View web sites in different governmental entities and continue needs analysis, including a review of proposed site contents by the Council, Boards, Committees.	Council, EE reps, Committees, Boards	08/2011	
► Develop policies and processes to determine what material is on the web page and how that is to be kept current.	Council, EE reps, Committees, Boards	10/2011	
► Beta web site design reviewed and tested internally	EE reps + Dept. Heads + web site developer	11/2011	
► Roll out web site to public and communicate to the community	above + community	1/2012	
Accounting and Community Development Software			
► Include in the capital plan an estimated replacement cost for the accounting and community development software.	Finance & DP	11/2011	
► Draft RFQ for consultant, issue RFQ, recommend consultant	Finance and Consultant	6/2012	
► Award of consulting contract	Council and Purchasing	7/2012	
► Conduct a needs analysis, including permits / applications, payroll, finance, records management, document processing, and database / records management, FOIA compliance, interface with web site, interface with customer accounts, payment options such as credit cards, etc.	Finance Staff, CD staff, DP, EE reps, Department Heads	9/2012	
► Review best practices in other governmental entities and evaluate how those processes and practices could be adapted to Winnetka's environment	Consultant, Staff, and Department Heads	3/2013	
► Draft RFP for software and hardware purchase	Consultant & Staff	4/2013	
► RFP's due to Village, reviewed, and presented to Council for award	Consultant & Staff	6/2013	
► Software and hardware installed and parallel systems run	Vendor and EE's	9/2013	
► Customization of software	Vendor and EE's	9/2013	
► Training	Vendor and EE's	9/2013	

Action Steps - Technology Upgrades	Who	When	Status
► Implementation of new software, abandon existing software	Vendor and EE's	4/2014	
Records Management			
► Commence review current record management practices, review legal requirements for records retention, review existing contract management, understand how existing records are created, stored, maintained, retrieved, shared among various work groups, the public, and how needs such as FOIA compliance, and contract management are administered.	Village Attorney, Department Heads	1/2012	
► Develop record management guidelines for Village records, including electronic items such as e-mail, computer files, voicemail, written documents, word, excel, access, SCADA records, and other items.	Village Attorney, Department Heads	4/2012	
► Records management guidelines issued	Village Attorney & staff	6/2012	
► Training	Village Attorney, Boards, Commissions, & Staff	6/2012	
► Implement new records management policies	Village Attorney, Boards, Commissions, & Staff	7/2012	
► On-going compliance training and testing for compliance	Village Attorney, Boards, Commissions, & Staff	7/2012	
Phone System			
► Include in the capital plan an estimated replacement cost for the phone system in the following fiscal year.	Finance & DP	11/2012	
► Draft RFQ for consultant, issue RFQ, recommend consultant	Finance and Consultant	2/2013	
► Award of consulting contract	Council and Purchasing	3/2013	
► Conduct a needs analysis, including voice over IP and other technologies, interface between e-mail and voice storage system, interface with records management and retention requirements.	DP Manager, W& E engineer, department heads	4/2013	
► Evaluate needs and advise the staff on options available	Consultant & Staff	5/2013	
► Draft RFP for phone equipment and installation	Consultant & Staff	5/2013	
► RFP's due to Village, reviewed, and presented to Council for award	Council, Consultant and Staff	7/2013	
► Vendor supplies required equipment and installs same	Vendor, consultant, and Staff	9/2013	
► Staff trained on new equipment	Vendor, Consultant and Staff	9/2013	

Communication, Education & Public Relations

Goal - Strategy

Develop a comprehensive communication plan that utilizes multiple communication tools that will pro-actively inform and educate residents, business and property owners, and stakeholders of Village challenges, policies and opportunities.

Narrative - Obstacles

The Village of Winnetka's approach to communication needs to adapt to current technology and community expectations. A professional communication plan will involve all levels of the organization and will incorporate multiple communication tools. The tools can take many forms including web based technology, social media, cable television, surveys of residents, neighborhood meetings, business retention dialogues and printed materials. The obstacles the Village will face will be developing the staff capacity to implement and sustain this effort during an era of fiscal downsizing and austerity, and allocating the time and financial resources to pursue new technology and outreach efforts.

Action Steps	Who	When	Status
Develop Comprehensive Communication Plan			
► Draft a comprehensive communication plan that incorporates multiple means of communication involving all levels of the organization and stresses pro-active, accurate and themed messages.	Village Manager Asst. to Village Manager Department Heads	December-11	
► Redesign and launch a new website for the Village that incorporates transparency, e-government solutions, Village initiatives, ease of navigation and pleasing graphics.	Asst. to Village Manager Employee Committee Department Heads	Initiate Summer of 2011	
► Evaluate E-Winnetka email service focusing on visual improvement, increasing frequency of distribution, and ease of administration.	Asst. to Village Manager Department Heads	November-11	
► Evaluate cable channel 10 for message and visual improvement, and determine a low cost method for maintaining the channel. Incorporate with cable franchise renewel.	Asst. to Village Manager	May-12	
► Evaluate appropriate uses for social media for special projects and initiatives.	Village Manager Dept. Heads Asst. to Village Manager	May-12 Ongoing Evaluation	
► Evaluate quarterly newsletter the "Winnetka Report" for frequency, readability, design and messaging.	Village Manager Asst. to Village Manager Manager's Secretary	January 2013	

Action Steps - Communication, Education & Public Relations	Who	When	Status
▶ Develop key community messages and themes and utilize fact sheets for special projects and initiatives.	Village Manager & Department Heads	December-11	
▶ Utilize routine press releases to convey facts, challenges and successes.	Village Manager & Department Heads	Ongoing	
Implement Strategic Management Opportunities			
▶ Pursue Citizen Engagement Process and roll out the program with Council approval over a two year period.	Village Council Village Manager Department Heads Asst. to Village Manager	2012-13 Budget	
▶ Develop annual citizen survey to evaluate core services and obtain timely feedback from residents.	Village Council Village Manager Department Heads	Spring - Summer 2012	
▶ Initiate Neighborhood Dialogues with residents as a method of sharing information and educating residents about key projects and initiatives	Village Council Village Manager	Summer 2012	
Improve Business Communications & Climate			
▶ Implement local business retention visits or "business dialogues" to improve working relationships with local businesses and assisting with business retention efforts.	BCDC Director D'Onofrio	Fall 2011	
▶ Develop business attraction marketing materials to assist with filling vacant retail - commercial spaces in the Village.	BCDC Director D'Onofrio	Fall 2012	
▶ Develop a "Shop Winnetka" initiative that will urge residents to support their local businesses.	BCDC Director D'Onofrio	Fall 2011	
▶ Proceed with an evaluation of branding the commercial districts that will assist with business retention, attraction and promoting Winnetka's unique shopping districts.	BCDC Director D'Onofrio	January-12	

Stormwater Improvements

Goal - Strategy

Develop and implement a Village-wide program to reduce risk of flooding from 10-year rain events.

Narrative - Obstacles

Stormwater Management continues to be a priority of the Village of Winnetka. The Village Council and staff have engaged Christopher Burke Engineering to evaluate the current drainage conditions in several specific areas of the Village to develop further improvements aimed at reducing the severity and frequency of flooding, particularly flooding that results in property damage. A couple of projects have already been identified, and as a first priority the Village is already moving forward with plans to improve the capacity of our main stormwater pumping station to the Skokie River at Winnetka Avenue. As future projects are identified in six specific drainage basins throughout the Village, the Village Council will begin a thorough public discussion to identify priority improvements that will provide drainage relief to the studied areas, while at the same time discussing the means of funding any identified improvements. These discussions will take place over the next 6-12 months and should position the Village to begin implementing and identified improvements in 2012.

Action Steps	Who	When	Status
Synthesize Recommendations from 2009 and 2010 Christopher Burke Studies into Draft Village-wide "Flood Risk Reduction Plan"			
► If directed by Village Council, complete a cost/benefit analysis for all projects identified in 2009 and 2010 studies. Report to Council at September Study Session.	CBBEL	By September 12, 2011	
► Identify all possible funding sources for projects. Progress report to Council at September Study Session.	WEFC & Liaison	By October 11, 2011	
► Explore shared objectives and joint land-use for certain projects with Park District, District 36,Forest Preserve District, and New Trier High School District. Explore multiplication of benefits and sharing of costs.	PW Director, Manager	By October 11, 2011	
► Enter discussions with IDOT about State funding of some aspects of Sheridan Road drainage with possible jurisdictional transfer of roadway as incentive.	PW Director, Manager	By October 21, 2011 ??	
► Develop Draft Ranking of Projects	PW Director	By October 10, 2011	

Action Steps - Stormwater Improvements	Who	When	Status
▶ Present Draft Project Ranking to Village Council for Discussion	PW Director	October 18, 2011 Council Meeting	
▶ Revise per Council Discussion	PW Director	By November 1, 2011	
▶ Present revised Project Ranking to Village Council for concurrence. Identify any "first year" projects for 2012-13 budget.	PW Director	November 15, 2011 Council Meeting	
▶ Include First Year Projects in FY 2012-13 Budget	PW Director	By December 15, 2011	
Develop Sustainable Project Funding Plan			
▶ Evaluate projects for best funding sources	WEFC, Liaison, & PW Director	By December 15, 2011	
▶ Select consultant for Stormwater Utility Analysis, if directed by Village Council	PW Director (Village Council Award)	By January 3, 2012	
▶ Staff analysis of all identified funding sources	PW Director, Finance Director, Consultant	By March 31, 2012	
▶ Stormwater Utility Analysis - Consultant work	PW Director, Finance Director, Consultant	By May 7, 2012	
▶ Present Stormwater Utility Analysis to Village Council	PW Director, Consultant	By May 8, 2012	

Action Steps - Stormwater Improvements	Who	When	Status
► Develop Draft Funding Plan for Projects	PW Director, Finance Director, Consultant	By June 11, 2012	
► Present Draft Funding Plan to Village Council	PW Director, Consultant	By July 17, 2012	
Community/Stakeholder Discussions and Plan Adoption			
► Identify Survey Methods	Village Council	By September 4, 2012	
► Survey	Manager, PW Director, Caucus(?)	By October 12, 2012	
► Evaluate Results	Village Council	By November 5, 2012	
► Council Discussion	PW Director, Finance Director, Consultant	By November 12, 2012	
► Revise Plan per Council Discussion	PW Director, Finance Director, Consultant	By December 4, 2012	
► Adopt Plan	PW Director, Manager, Council	By December 4, 2012	
► Include projects in budget and CIP	PW Director, Finance Director, Consultant	By December 31, 2012	
Public Education Program (WEFC)			
► Survey other Municipal programs	WEFC & Liaison	By September 30, 2011	
► Identify "best practices" and develop program	WEFC & Liaison	By November 30, 2011	

Action Steps - Stormwater Improvements	Who	When	Status
► Evaluate for consequences	Liaison & Engineering staff	By December 31, 2011	
► Obtain stakeholder input	WEFC	By February 28, 2012	
► Make recommendations to Village Council	WEFC	By April 17, 2012	
► Council policy direction	Village Council	By May 15, 2012	
Review Stormwater Regulations (WEFC)			
► Survey other Municipal & County ordinances	WEFC & Liaison	By September 30, 2011	
► Identify "best practices"	WEFC & Liaison	By October 31, 2011	
► Compare with Winnetka requirements	Liaison & Engineering staff	By November 30, 2011	
► Identify posible improvements	WEFC, liaison, & Engineering staff	By January 31, 2012	
► Evaluate for consequences	Liason & Engineering staff	By February 28, 2012	
► Obtain stakeholder input	WEFC	By June 13, 2012	
► Make recommendations to Village Council	WEFC	By July 17, 2012	
► Council policy direction	Village Council	By August 21, 2012	

Financial Planning

Goal - Strategy

Ensure appropriate long range fiscal planning, especially for long-term infrastructure needs beyond the current five year cycle. Create a long range capital plan for years 6-20 of anticipated capital investments of $250,000 or greater with a high likelihood that the project will take place.

Narrative - Obstacles

The Village is a complex financial entity with substantial physical assets that must be maintained and periodically replaced to ensure an appropriate service level. While the current capital plan does a good job of identifying capital needs over $50,000 for the next five years, there is a sense that some of the larger longer term known needs should be updated and reviewed annually. Staff will seek to identify larger capital needs that are beyond the 5 year time frame of the capital plan and summarize that data in the budget document. Recently the water treatment plant identified substantial repairs and improvements that were evaluated by the Council. Additional studies could identify needs for the Village's other major assets (roads, water main system, electric system, and sanitary sewer system) that might be appropriate to incorporate into current opertaional plans and future operating and capital budgets.

Action Steps	Who	When	Status
Capital Planning			
► Establish guidelines to compile capital information in years 6 through 20	Finance Director	10/2011	
► Identify capital projects	Department Heads	10/2011	
► Estimate capital project costs	Department Heads	10/2011	
► Propose funding for capital projects and provide alternatives	Department Heads	11/2011	
► Modify budget document to display capital projects in years 6 through 20, with a minimum cost of $250,000.	Finance Director	11/2011	
► Present capital plan, including years 6 through 20 to the Council. Based on feedback include revisions to the operating and capital budgets.	Council, Department Heads	2/2012	
► Incorporate Council input into operational and capital budgets.	Staff & Council	3/2012	
Asset Stewartship			
► On an on-going basis, select one system / major asset class to study each year	Staff & Council	April	Start in 2012
► Hire a consultant or perform an in-house in-depth study of this asset class and the associated long-term capital needs.	Staff & Council	May	
► Review study results with the Village Council, discuss to what extent the operating and capital needs recommended should be included in the following years budget and capital plan.	Staff & Council	October	
► Incorporate Council recommended study results into operating and capital budgets.	Staff & Council	November	2012

Human Resources Planning

Goal - Strategy

Evaluate the organization and restructure accordingly to provide desired services and adapt to future needs and concerns.

Narrative - Obstacles

Because of an aging workforce and potential retirements, the Village has an opportunity to evaluate the provision of services and review the human resources required to deliver those services. It will be key to determine which services are essential, discretionary or desirable in order to have the appropriate staff levels in place. The Village will need to review the financial implications, analyze costs and benefits, consider wage and pension costs and possibilities for outsourcing.

Action Steps - Human Resource Planning	Who	When	Status
Service Delivery to Community			
► Determine community service level expectations	Village Council Village Manager	2011 - 2012	
► Define "core essential services" and determine who delivers them	Village Council Village Manager Dept Heads	April 2012	
► Define "discretionary and desirable services" and determine who delivers them	Village Council Village Manager Dept Heads	April 2012	
► Explore and evaluate regional sharing agreements and intergovernmental cooperation	Village Council Village Manager Dept Heads	April 2012 Ongoing	
► Explore alternative service delivery methods	Village Manager Dept Heads	Oct. 2012	
Optimize Existing Human Resources and Evaluate Opportunities for Internal Service Delivery			
► Evaluate the current methods for delivering services between departments	Village Manager Dept Heads	April 2012	

Action Steps - Human Resource Planning	Who	When	Status
► Identify additional possibilities for shared personnel or services between departments	Village Manager Dept Heads	April 2012	
Human Resources Planning			
► Identify existing departments' organizational strengths and weaknesses	Village Manager Dept Heads Assistant to Village Manager Legal Assistant	2011	
► Evaluate evolving issues and workload by identifying trends and service demands	Village Manager Dept Heads Assistant to Village Manager Legal Assistant	2011	
► Review each department's staffing needs	Village Manager Dept Heads Assistant to Village Manager Legal Assistant	2011-2012	
► Identify positions that will likely become vacant in the next six months to three years.	Village Manager Dept Heads Legal Assistant	2011	
► Explore opportunity for restructuring within each department	Dept Heads Assistant to Village Manager Legal Assistant	2011	
► Assure compensation philosophy and goals as determined by the Village Council are applied to operations and communicated to employees	Village Manager	Ongoing	
Succession Planning			
► Prioritize specific succession plans based on the need of the organization.	Village Manager Dept Heads	2011-2013	
► Establish training / cross-training requirements for key positions.	Dept Heads	2011-2013	

Action Steps - Human Resource Planning	Who	When	Status
	Legal Assistant		
▶ Provide training and develop activities to prepare the "bench" to successfully transition into key supervisory or technical positions in an interim or permanent capacity.	Village Manager Dept Heads Assistant to Village Manager	2011-2013	
▶ Consider proactive ideas for recruitment and retention of employees	Dept Heads Legal Assistant	Ongoing	
▶ Review succession plan, development plans, job descriptions and training for key positions on annual basis.	Village Manager Legal Assistant	Annually	