

Regular Meeting  
**WINNETKA VILLAGE COUNCIL**  
**Police Department**  
**410 Green Bay Road**  
Winnetka, Illinois 60093  
November 1, 2011  
7:30 p.m.

Emails regarding any agenda item are welcomed. Please email [rbahan@winnetka.org](mailto:rbahan@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.

**AGENDA**

- 1) Call to Order
- 2) Pledge of Allegiance to the Flag
- 3) Quorum
  - a) November 8, 2011, Study Session
  - b) November 15, 2011 Regular Meeting
- 4) Approval of Agenda
- 5) Consent Agenda
  - a) Village Council Minutes
    - i) October 11, 2011, Study Session..... 2
    - b) Warrant Lists Nos. 1723 and 1724 ..... 5
    - c) Change Order: Lead Service Replacement ..... 6
- 6) Stormwater Update..... 8
- 7) Ordinances and Resolutions
  - a) Ordinance MC-7-2011: Property Maintenance Code – Introduction ..... 15
- 8) Public Comment
- 9) Old Business
- 10) New Business
  - a) Identity Theft Prevention Policy Report ..... 87
  - b) 2011 Property Tax Levy Analysis ..... 98
- 11) Reports
- 12) Appointments
- 13) Executive Session
- 14) Adjournment

**NOTICE**

All agenda materials are available at [villageofwinnetka.org](http://villageofwinnetka.org) (Council > Current Agenda), the Reference Desk at the Winnetka Library, or in the Manager’s Office at Village Hall (2<sup>nd</sup> 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](http://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 STUDY SESSION**

**October 11, 2011**

(Approved: xx, 2011)

A record of a legally convened meeting of the Council of the Village of Winnetka, which was held in the Winnetka Community House, Room 101 on Tuesday, October 11, 2011, at 7:30 p.m.

1) Call to Order. President Jessica Tucker called the meeting to order at 7:33 p.m. Present: Trustees Gene Greable, Bill Johnson, Richard Kates, Chris Rintz, and Jennifer Spinney. Absent: Trustee Arthur Braun. Also in attendance: Village Manager Robert Bahan, Village Attorney Katherine Janega, Public Works Director Steve Saunders, Finance Director Ed McKee and approximately 30 persons in the audience.

2) Discussion: Supplemental Flood Risk Reduction Assessment: 25-, 50-, and 100-year Storm Events. In her opening remarks President Tucker repeated her pledge to continue to keep stormwater mitigation first and foremost on the Council's agenda. She thanked CBBEL and staff for the outstanding, comprehensive study and said that it is now time for the Council to take concrete steps to try to reduce recurrence of storm damage throughout the Village.

Mr. Saunders briefly recapped the events leading up to this study and provided some historical background on the development of Winnetka before introducing Thomas Burke from Christopher B. Burke Engineering, Ltd. (CBBEL).

Mr. Burke reviewed the scope of the Flood Risk Reduction Assessment, explaining the process employed by CBBEL to:

- Analyze all 8 study areas for the 25-, 50-, and 100-yr design storms;
- Identify drainage improvements to provide the required level of protection for each design storm; and
- Develop conceptual plans and cost estimates for drainage projects for each design storm.

Mr. Burke went through the PowerPoint presentation in detail until he got to the Ravine Study Area at which point Mr. Saunders took the floor.

Mr. Saunders explained that Sheridan Road is controlled by the Illinois Department of Transportation and that the only problem area is directly at the bottom of the ravines where flooding causes inconvenience and creates a public safety hazard. He reported that Burke's study information had been conveyed to IDOT, and in a meeting today they indicated that they are planning a project to address the problem area, which means that the Village's expense for the ravine improvements will be essentially nil.

Mr. Burke completed his presentation, at which point the Council took a brief recess before proceeding. The meeting resumed at 8:43 p.m.

Trustee Spinney asked Mr. Burke to assume that money was no object and to opine which of the options presented is the best solution for the Village. He indicated that he believes the Lake Michigan Outlet tunnel project, which benefits multiple study areas, would be the best because it has the most flexibility and opens up the opportunity for future improvements. He

cautioned, however, that there are significant regulatory hurdles to overcome and indicated that permitting could take more than a year to obtain.

Trustee Rintz asked Mr. Burke's opinion whether obtaining permits from the Army Corps of Engineers for the tunnel option or from the Cook County Forest Preserve for some of the other options was the most daunting. Mr. Burke replied that in his experience the Forest Preserve could prove to be the most difficult, and possibly a non-starter; however, the tunnel permitting could take longer to secure in view of the fact that the Village will be seeking to move water from one watershed to another. He was clear that there are too many unknowns to make a firm prediction.

Trustee Kates said that he believes the tunnel option to be a superb solution because it does not require any detention. He remarked that if the tunnel option is not chosen and the Forest Preserve proves to be a non-starter, then a number of the other projects would have to be redesigned. Mr. Burke concurred.

Mr. Kates also inquired about some of the data used in Burke's modeling and the status of the recent sanitary sewer survey, saying that the latter is important to the Village's overall understanding of the flooding that took place in July.

Mr. Burke and Mr. Saunders continued to respond to questions from the Trustees, who unanimously complimented CBBEL and staff on the thoroughness of their presentation and thanked them for their exhaustive efforts.

Overall, the Trustees and President Tucker expressed support for continuing to explore the viability of the tunnel project.

Audience members who commented were: Mitch Wywiorski, 1042 Westmoor Rd., Jim Gordon, 281 White Oak Ln., George Walper, 870 Prospect, Jim Feld, 260 White Oak Ln., Ron White, 434 Berkeley, Chris Bloom, 979 Willow, Nancy Henderson, 464 Linden, Kim Knaus, 905 Greenwood, and Jude Offerle, 112 Fuller Ln.

After Public Comment, President Tucker turned back to the Trustees for discussion.

Noting that the burden to the community is huge over the next 30 years, Trustee Greable had questions about timing, funding, and marginal costs. Although he voiced confidence in the Burke study, he suggested that the Village consider seeking a second opinion in view of the significant upheaval to the community and the significant cost.

With regard to Mr. Greable's suggestion, Mr. Saunders pointed out that the current study is actually the combination of three separate studies that in total have cost the Village approximately \$150,000. To start over again for a fresh look would be quite expensive and time consuming. He added that using the existing data, the Village could proceed to flesh out some of the smaller projects with an eye toward beginning some construction next year while it continues to pursue the tunnel project.

Trustee Spinney also expressed concern about financing and asked whether the Village needed to determine the amount of money needed before it could obtain financing.

Finance Director McKee said that it is possible to issue bonds at this point, but voiced concern about how those bonds would be repaid.

Attorney Janega added that she has been in contact with the Village's bond counsel, Chapman & Cutler, and they have suggested a combination of revenue bonds backed by property taxes. The question is at what point does the Village pull the trigger? Before staff can proceed to implement funding, the Council needs to provide more direction as to the timing and the amount of funding desired.

Manager Bahan said that the Council has a fundamental policy question to decide: Does it want to finance this through a stormwater utility or via property taxes? He also asked Mr. Saunders what additional data could be gathered before these decisions are made.

Mr. Saunders indicated that staff could proceed to obtain soil borings, identify utility conflicts, particularly along the proposed open cut, and begin to engage regulatory agencies in discussions about permitting.

Trustee Rintz cautioned against getting bogged down by always wanting more data. He said it is time to move forward and deal with the contingencies as they come up. He agreed that it makes sense to get second and third opinions on price, but no sense to go out for a second engineering study. He said that he would never vote for an increase in property taxes because taxes don't ever go down. However, with a stormwater utility, the rate can be adjusted. Mr. Rintz described the tunnel as "visionary," and something that the Village should not be afraid to embrace and attack. He opined that the Village stands a good chance of being stuck in the mud forever with the Forest Preserve; with the tunnel, the Village can lead the way in clean water standards and perhaps address some of the other lakefront issues in the process.

Trustee Kates agreed that the tunnel project is visionary and reasonable given the falling water levels of Lake Michigan. He indicated that he believes the Village should begin to pursue the appropriate regulatory agencies as quickly as possible, as well as move ahead with the smaller projects mentioned by Mr. Saunders, reiterating his belief that the Greenwood project still needs a little tinkering. Mr. Kates also urged the Village to complete the compilation of the sanitary sewer questionnaires so that those results can be analyzed to determine whether there are parts of the Village that are not being addressed by the CBBEL study.

After further discussion, there was a consensus to continue to explore the Lake Michigan Outlet tunnel option. Staff was directed to begin to explore any permitting that might be required, contact the necessary regulatory agencies, conduct soil borings and identify utility conflicts. In addition, CBBEL was asked to prepare a critical path schedule from start to finish, identifying all the activities needed to get to the finish line. Staff was asked to begin firming up the engineering for the smaller study areas and to continue studying financing options.

- 3) Executive Session. None.
- 4) Adjournment. Trustee Johnson, seconded by Trustee Spinney, moved to adjourn the meeting. By roll call vote, the motion carried. Ayes: Trustees Greable, Kates, Johnson, Rintz, and Spinney. Nays: None. Absent: Trustee Braun. The meeting adjourned at 11:05 p.m.

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Recording Secretary

## AGENDA REPORT

SUBJECT: **Warrant Lists Nos. 1723 and 1724**

PREPARED BY: Robert Bahan, Village Manager

DATE: October 13, 2011

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Warrants Lists Nos. 1723 and 1724 are enclosed in each Council member's packet.

**Recommendation:** Consider approving Warrants Lists Nos. 1723 and 1724.

## AGENDA REPORT

**Subject:**      **Lead Service Replacements; Change Order, Rick’s Sewer and Drainage**

**Prepared by:** Brian Keys, Director Water & Electric

**Ref:**            February 15, 2011                      Council Meeting, pp. 13-14

**Date:**            October 27, 2011

In 2007, the Council adopted Ordinance MC-9-2007, which amended Section 13.04.100 of the Village Code to address the allocation of costs for the replacement of lead water service lines. For residential properties, the Village assumes the cost of replacing the lead service connection between the property line and the main. In the case of non-residential properties, the Village assumes the cost of replacing the lead service between the curb and the main.

Due to the recurrent nature for these services, a bid document was issued to secure contractor resources for the replacement of lead water services on an annual basis. Each bidder provided fixed prices for various units of work and the bid evaluations were based on the estimated annual quantity of work. In February 2011, Rick’s Sewer and Drainage, was awarded a contract in the amount of \$99,058 for lead service replacements during FYE 2012. To date, the contractor has replaced fourteen lead water services during FYE 2012 at a cost of \$98,636 (average cost \$7,045 each). Five additional lead water services identified in the leak detection program are pending replacement and additional emergent replacements are anticipated during the fiscal year.

Staff is requesting authorization for an additional \$64,000 of funding to replace leaking lead water services. This would increase the total award to Rick’s Sewer and Drainage to an amount not to exceed \$163,058. There is \$130,000 in the FYE 2012 budget (account 52-67-640-303) for the replacement of leaking lead water services.

Enclosed below is summary of the other capital project expenditures contained in the water fund.

### Water Fund – Capital Plan Summary

Project	FYE 2012 Budget	Actual / Estimate	Difference
Stone Work on Intake	\$80,000	\$68,000 (act.)	- \$12,000
Replace #4 High Lift Pump	\$0	\$78,367 (est.) Project carried over from prior fiscal year.	\$78,367
Chlorination System Changes	\$235,000	\$207,100 (est.)	- \$27,900
Trapp Lane Water Main	\$40,000	\$30,000 (est.)	- \$10,000
Relocate Lloyd Park Water Main	\$200,000	\$234,806 (est.)	\$34,806
			\$63,273 (over)

At this time, the FYE 2012 capital budget for the water fund is expected to be \$96,331 (\$33.1K Lead Services, \$63.3K Other) over the budgeted amount of \$687,000. Project costs for the Lloyd Park water main and replacement of #4 high lift pump are the predominant factor. Both of these projects were under their budgeted project amounts, but carried over from the prior fiscal year.

**Recommendation:**

Consider authorizing the Village Manager to execute a change order with Rick's Sewer and Drainage in the amount of \$64,000 for the replacement of lead water services through March 31<sup>st</sup>, 2012 at the unit prices contained in Bid #011-002.

## **Agenda Report**

**Subject:**                    **Stormwater Update – November 1, 2011**

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

Date:                         October 27, 2011

Attached are two documents detailing progress made to date and future actions in response to the July 2011 flooding event. The first document is an annotated version of the activity timeline presented to the Village Council at the August 16, 2011 meeting, indicating progress that has been made on the milestones set forth. The second document, titled “Stormwater and Sanitary Sewer Improvements – Schedule of Activities”, outlines implementation steps based on policy direction given by the Council, and the status of action on those steps. This should provide the Council and interested citizens with a detailed picture of where we are, and activities to be undertaken in the next few months.

There are two issues raised in the “Schedule of Activities” that staff believes need further discussion or clarification from the Council. These are outlined below.

First, at the October 11 Study Session, the Village Council directed staff to proceed with two projects for the Spruce Street Outlet Study area, a new outlet from Sheridan Road at Lloyd Park, and a new relief storm sewer at along portions of Tower Road and Old Green Bay Road. What was unclear is the level of protection desired at these two areas. For these two projects, there is virtually no cost ramification to the choice (25-year @\$1.8m, 100-year @\$1.9m), however since these are the first two out of the gate, they set a bar against which other projects will be measured to determine if a “fair” level of protection is being provided. If the Village provides 100-year protection at these locations, it will be difficult to provide a lesser level of protection elsewhere, especially considering that the Lloyd outlet project primarily addresses street flooding along Sheridan Road. The Council should discuss what level of protection should be provided at various areas throughout the Village as part of an overall stormwater management program.

Second, the Council hasn’t seriously discussed a funding mechanism for stormwater projects, other than a brief discussion considering funding these two projects from reserves. It should be noted, however, that if there is a serious consideration for SSA funding, the Tower/Foxdale project has a fairly small benefit area and would probably be the most reasonable project for which SSA financing could be considered. The current Capital Improvements Plan \$2 million per year for the next four years for stormwater improvements, and these two projects total about \$2m, so a funding stream from reserves could be considered to be in place. The Council should consider on a broad basis, how to fund these two projects, either from reserves, or via some other funding stream.

**Recommendation:**  
Informational Report.

**STORMWATER AND SANITARY SEWER IMPROVEMENTS**

**SCHEDULE OF ACTIVITIES**

01-Nov-11

<b><i>Spruce Street Outlet Improvements</i></b>	
<b>Activity</b>	<b>Status</b>
Identify Protection Levels - Determine what protection level to be provided to Tower/Foxdale and Sheridan/Maple areas.	Council discussion needed.
Identify Funding Sources - Determine how to fund these two projects.	Council discussion needed.
Design Engineering Proposals- Obtain fee proposals to complete design plans, specifications, and bidding documents.	Draft proposal received from CBBEL. Obtain fee proposals from other firms?
Permitting - Obtain appropriate permits from MWRD and US Army Corps	Contact established with DNR. DNR working on scheduling joint meeting with DNR, IEPA, and Army Corps to occur mid-late November. Meeting scheduled with MWRD for November 1.

<b><i>Greenwood Avenue Area Improvements</i></b>	
<b>Activity</b>	<b>Status</b>
Additional Engineering Evaluation - Evaluate whether improvements address all problem areas in watershed.	Review recent survey results to identify possible areas of watershed in need of additional evaluation
Identify Protection Levels - Determine what protection level to be provided to project areas.	Council discussion needed.
Identify Funding Sources - Determine how to fund this project.	Council discussion needed.
Utility Location - Identify major utility facilities in project area to test for conflicts.	Utility locate requests sent to AT&T, Comcast, North Shore Gas. MWRD information received.
Forest Preserve Coordination - Coordinate with Forest Preserve regarding additional outfall to flood control pond.	Pending further evaluation of proposed improvements
Secondary Cost Review - Obtain independent cost review of project.	Pending further evaluation of proposed improvements
Design Engineering Proposals- Obtain fee proposals to complete design plans, specifications, and bidding documents.	Pending further evaluation of proposed improvements

<b><i>Tunnel Project</i></b>	
<b>Activity</b>	<b>Status</b>
Soil Borings - Evaluate subsurface soil conditions along proposed route of tunnel.	Request for price quotations issued - due November 4.
Utility Location - Identify major utility facilities in project area to test for conflicts.	Utility locate requests sent to AT&T, Comcast, North Shore Gas. MWRD information received.
Railroad Coordination - Obtain information from Union Pacific Railroad concerning engineering and real	Initial contact made with UP Railroad - awaiting engineering standards for utility crossings and info from real estate about easements.
Regulatory Agency Meetings	Contact established with DNR. DNR working on scheduling joint meeting with DNR, IEPA, and Army Corps. Meeting scheduled with MWRD for November 1.
Meetings with State and Federal legislators	Village President, Village Manager, and Village Engineer discussions with 5 State and Federal legislators scheduled for mid-November
Critical Path Plan - CBBEL to provide fee proposal for critical path plan to complete tunnel project.	CBBEL to prepare critical path after initial meetings with MWRD and regulatory agencies
Willow Road Rehabilitation Coordination	Meeting held with Willow Road project consultant to coordinate Willow Road project with tunnel.
Secondary Cost Review - Obtain independent cost review of project.	
Identify Funding Sources - Determine how to fund this project.	Council discussion needed.

<b><i>Bulk Pricing for Property Assessments</i></b>	
<b>Activity</b>	<b>Status</b>
Identify suitable firms to provide pricing.	Staff research in December/January timeframe
Negotiate pricing with several firms	Staff research in December/January timeframe
Publicize program.	

<b><i>Property Protection Seminar</i></b>	
<b>Activity</b>	<b>Status</b>
Publicize IAFSM pamphlet via Winnetka Report, e-Winnetka, Village website.	Link on website. Winnetka report upcoming mid-November.
Identify resources for presenters.	Staff research in December/January timeframe
Explore value of joint presentation with other municipalities.	Staff research in December/January timeframe
Identify suitable location for seminar.	Staff research in December/January timeframe
Schedule and publicize seminar.	

<b>Sanitary Sewer Evaluation Study</b>	
<b>Activity</b>	<b>Status</b>
Additional flooding data survey	1,046 responses received as of 10/18/2011
Evaluate survey data	Ongoing evaluations by staff and Trustee Kates. Data will be used to fine-tune project recommendations for Greenwood and Tunnel projects, and to develop Sanitary Sewer Evaluation Study.
Hold pre-proposal discussions with qualified engineering firms.	Met with 1 firm, 2 additional meetings scheduled for November 3 and November 14.
Discuss survey results and study strategy with Village Council	Proposed for December Study Session.
Develop RFP	Awaiting Council discussion December 13, 2011.
Evaluate RFP Responses	January-February 2012
Council awards contract	January-February 2012

<b>Detention Projects</b>	
<b>Activity</b>	<b>Status</b>
Detailed coordination with Park District	Coordination discussions complete pending decision of tunnel vs. detention
Detailed coordination with School District	Discussions pending decision of tunnel vs. detention
Detailed coordination with New Trier	Initial meetings held. Further discussions pending decision of tunnel vs. detention
Detailed coordination with Forest Preserve	Discussions pending decision of tunnel vs. detention

<b>Financing</b>	
<b>Activity</b>	<b>Status</b>
Discussion of stormwater financing and bond issuance.	Proposed for November 8 Study Session

## Agenda Report

**Subject: Proposed Timeline – Stormwater Management Actions**

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

Date: August 10, 2011 ← November 1, 2011 Update

At its August 2, 2011 Regular Meeting, the Village Council requested a timeline of proposed stormwater management actions needed to advance and implement meaningful stormwater improvements throughout the Village. Following is a preliminary timeline of events through February, 2012, at which time the proposed Fiscal 2012-13 Budget will be presented. Timelines beyond that are dependent upon policy direction provided by the Council.

### Council Meetings

The Village Council meeting schedule is provided below, along with actions that could be undertaken at each meeting.

Council Meeting	Actions
August 16, 2011	<u>Stormwater</u> <ul style="list-style-type: none"> <li>● Staff presentation: Stormwater Utility Fund <span style="border: 1px solid red; padding: 2px;">← Complete 8/16/11</span></li> <li>● Staff presentation and Council policy direction: Timeline of actions <span style="border: 1px solid red; padding: 2px;">← Complete 8/16/11</span></li> </ul> <u>Sanitary Sewer</u> <ul style="list-style-type: none"> <li>● Staff presentation and Council policy direction: Sanitary Sewer anti-backup contribution program <span style="border: 1px solid red; padding: 2px;">← Complete 8/16/11</span></li> </ul>
September 6, 2011	<u>Stormwater</u> <ul style="list-style-type: none"> <li>● Staff presentation: Update on discussions with other public agencies</li> </ul> <u>Sanitary Sewer</u> <ul style="list-style-type: none"> <li>● Ordinance Introduction: Code amendments for sanitary sewer anti-backup contribution program <span style="border: 1px solid red; padding: 2px;">← Ordinance introduced</span></li> </ul>
September 13, 2011	<u>Stormwater</u> <ul style="list-style-type: none"> <li>● Staff presentation and Council policy direction: Individual property stormwater engineering evaluation program <span style="border: 1px solid red; padding: 2px;">← Discussed October 4, 2011</span></li> </ul>
September 20, 2011	<u>Stormwater</u> <ul style="list-style-type: none"> <li>● Staff presentation: Update on discussions with other public agencies</li> </ul> <u>Sanitary Sewer</u> <ul style="list-style-type: none"> <li>● Ordinance Adoption: Code amendments for sanitary sewer anti-backup contribution program. <span style="border: 1px solid red; padding: 2px;">← Ordinance adopted</span></li> </ul>
October 4, 2011	<u>Stormwater</u> <ul style="list-style-type: none"> <li>● Ordinance Introduction (if necessary): Individual property stormwater engineering evaluation program</li> </ul>
October 11, 2011	<u>Stormwater</u>

Study Presented. Council provided policy direction in several areas - see attached matrix.

	<ul style="list-style-type: none"> <li>Staff and Consultant presentation: CBEL Report on 25, 50, 100-year flood risk reduction for 8 drainage areas</li> </ul>
October 18, 2011	<u>Stormwater</u> <ul style="list-style-type: none"> <li>Ordinance Adoption (if necessary): Individual property stormwater engineering evaluation program</li> <li>Staff and Consultant presentation: Identification of projects to pursue in year 1</li> <li>Council discussion: Continued discussion of projects and financing</li> </ul>
November 1, 2011	<u>Stormwater</u> <ul style="list-style-type: none"> <li>Council Discussion: Continued discussion of projects and financing</li> </ul>
November 8, 2011	<u>Sanitary Sewer</u> <ul style="list-style-type: none"> <li>Staff presentation and Council policy direction: Village-wide recommendations to address sanitary sewer backups</li> </ul>
November 15, 2011	<u>Stormwater</u> <ul style="list-style-type: none"> <li>Council policy direction: Detailed stormwater improvement program</li> <li>Council policy direction: Stormwater Funding Program</li> </ul>
December, 2011	<u>Stormwater</u> <ul style="list-style-type: none"> <li>Council decisions: Actions necessary to implement selected financing mechanisms</li> </ul>
January, 2012	<u>Stormwater</u> <ul style="list-style-type: none"> <li>Council decisions: Actions necessary to implement selected financing mechanisms</li> <li>Council decision: Award Engineering Contracts</li> </ul>
February, 2012	<ul style="list-style-type: none"> <li>Budget Hearings</li> </ul>
March, 2012	<ul style="list-style-type: none"> <li>Adopt Budget and CIP</li> </ul>

**Staff Actions**

In order to support the above Council timeline, Village staff will undertake the following actions:

Month	Staff Actions
August, 2011	Stormwater Utility research Sanitary sewer backup data collection Develop timeline Burke: Develop 25, 50, 100-year improvements
September, 2011	Schedule and conduct agency meetings Develop ordinance increasing Village participation in anti-backup program Sanitary sewer backup data collection Engineering evaluation research Burke: Develop 25, 50, 100-year improvements
October, 2011	Develop sanitary sewer improvement program Develop detailed financing program

Activities completed to support Council actions.

Activities completed to support Council actions.

Analyzing flood surveys for sanitary backups, preparing recommendations to Village Council.

	Burke: Present 25, 50, 100-year recommendations
November, 2011	Present sanitary sewer improvement program Develop detailed financing program With Burke: Develop & present specific improvement program
December, 2011	Develop & implement financing mechanisms, prepare budget Engineering RFP's
January, 2011	Develop & implement financing mechanisms Engineering RFP's
February, 2011	Budget presentations

**Recommendation:**  
Informational report.

## **AGENDA REPORT**

**SUBJECT:** Ordinance MC-7-2011 – Commercial and Mixed Use  
Property Maintenance Code

**PREPARED BY:** Katherine S. Janega, Village Attorney

**DATE:** October 21, 2011

**REFERENCE:**

September 6, 2011	Council Agenda, pp. 266 – 339
July 19, 2011	Council Agenda, pp. 52 – 122
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 12<sup>th</sup>, 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.

Ordinance MC-7-2011, which adopts the model International Property Maintenance Code, 2009 Edition (“2009 IPMC”), with certain amendments, as the Village’s property maintenance code, was first presented for Council consideration on July 19, 2011.

Following the July 19<sup>th</sup> Council meeting, the draft of MC-7-2011 was revised and placed before the Council for further consideration at the September 6, 2011, Council meeting. After a lengthy discussion, action on the draft was again deferred, so that the Village Attorney and Community Development Director Michael D’Onofrio could meet with Trustees Kates and Rintz for a follow-up discussion on questions that were raised in the course of the Council meeting.

The meeting of the two Trustees with Village staff took place on September 14, 2011, at which time all of the open issues and questions from the Council were discussed. Pursuant to those discussions, there were further revisions to Ordinance MC-7-2011.

The resulting updated draft of Ordinance MC-7-2011 is attached. As in its earlier iterations, MC-7-2011 establishes a Property Maintenance Code (PMC) by adopting and amending the 2009 Edition of the International Property Maintenance Code (Model Code).

The remainder of this Agenda Report attempts to summarize the issues discussed on September 14<sup>th</sup> and to propose further amendatory language. For ease of reference, each topic is summarized under a bullet point in this memo and, where applicable, the amended text of the affected provision is also provided.

A mark-up of the Model Code is also attached. However, as pointed out at previous Council meetings, the mark-up is provided solely for illustrative purposes. When Ordinance MC-7-2011 is ultimately considered for adoption, only the text of MC-7-2011 will be included in the agenda materials, since all changes to the text of the Model Code are necessarily included in Section 7 of MC-7-2011, and the actual Model Code that is kept for reference with the other adopted codes is the actual Model Code as published by the ICC, without changes.

### Summary of comments and changes.

- **Complaint-driven process.** In presenting the draft ordinance to the Council, staff had stated that the intent was for the administration of the PMC to be a complaint-driven process. However, concern was expressed that the draft ordinance did not state that clearly. At the same time, staff also needs to be able to have the authority to step in and inspect if there is reason to believe that there is a violation. Two amendments are proposed to address this:

- 1) Add the following recital to the preamble (MC-7-2011, p. 3):

**WHEREAS**, the Village Council have further determined that adopting the 2009 Model Code as provided herein will establish a procedure for receiving and responding to complaints from tenants of commercial, multi-family residential and mixed commercial and multi-family residential buildings in the commercial zoning districts; and

- 2) Amend Section 104.2, Inspections (MC-7-2011, p. 8), by adding the redlined text, which is based on the corresponding provision in Wilmette's Housing and Building Regulations:

**104.2 Inspections.** The *code official* shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. Such inspections may take place only (i) if a complaint respecting said premises has been received by the *code official* and such complaint, in the opinion of said *code official*, provides reasonable grounds for belief that a violation exists, or (ii) such inspection is undertaken by the Fire Department as part of the regular Fire and

Life Safety Code inspection program. 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.

- **“Due Notice.”** (MC-7-2011, §4, p. 5) Section 4 of the draft Ordinance amends the “Separate Offenses” provision in the Village Code (WVC §15.04.110.C). This general provision in the Village Code replaces a sentence of Section 106.4 of the Model Code (PMC §106.4) and corresponding provisions in the other model codes that have been adopted by reference. The current “Separate Offenses” provision in the Village Code states that “each act of violation and each day a violation occurs” is a separate offense. The Model Code sets the marker for counting the separate offenses at “each day that a violation continues after due notice has been served.” Because the Model Code language provides a clearer starting point for counting the repeat violations, MC-7-2011 would amend Section 15.04.100.C to incorporate the Model Code language. In response to concerns expressed about whether the term “due notice” is clear enough, “due notice” has been replaced by “written notice,” so the provision will now read as follows:

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

- **Scope.** (MC-7-2011, pp. 6-7) In the most recent draft of the Ordinance, the Scope provision (PMC §101.2) was amended and restructured, so that it first contained a statement of broad applicability, followed by exceptions. After further discussion, the provision has been revised extensively so that it clearly excludes all residential condominiums, regardless of their location in the Village and regardless of whether they are in “purely residential” or mixed use buildings. Townhouses have also been added to the one-and two-family building exclusions.
- **102.8 Requirements not covered by code.** (MC-7-2007, p. 7) The provision in the Model Code (PMC §102.8) is difficult to follow, so a technical amendment has been made in an effort to provide more clarity.
- **106.3 Prosecution of violation.** (MC-7-2011, p. 8) Because citations can sometimes be issued against a tenant, concern was expressed that this provision would allow a tenant’s actions to result in a lien being placed against the owner’s property. The provision has therefore been amended to read:

**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 against a property owner by the authority having jurisdiction on such *premises* ~~may~~ shall also 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~~ against such real estate.

- **112.4 Fines; Failure to Comply.** (MC-7-2011, p. 8) Some concern was expressed as to whether emergency work would be allowed under a stop work order. When a stop work order is issued, it defines what work must be done to be in compliance with applicable Codes. The provision is read within the context of the entire ordinance, and its phrasing already allows for work that the person “is directed to perform to remove a violation *or unsafe condition,*” so an amendment is not necessary. In addition, providing an exception for “emergency work” opens the door for self-declared “emergencies,” which are often the very cause of the issuance of a stop work order. Therefore, a revision for emergencies is not recommended.
- **SECTION 202 GENERAL DEFINITIONS. Dwelling Units; Habitable Spaces; Habitable Rooms.** (MC-7-2011, p. 9) There was extensive discussion about minimum habitability standards and about apparent inconsistencies in the definitions and the use of terms, particularly in what appears to be the undefined concept of “habitability” versus “occupancy.” After scrutinizing both the Model Code and the Village Code as a whole, it appears that there are two causes of confusion. First the Model Code not only uses *habitable space* as a defined term (which is italicized in the text), it also uses the undefined terms “habitable” and “habitable room.” The second cause of confusion is the use of the terms “housekeeping unit,” “rooming unit,” and “sleeping unit.” Based on the points listed below, we have determined that the only appropriate amendment would be to redefine “habitable space” so that it also includes rooms, but that the term “habitable” and other concepts of habitability not be defined.
  - The definition of “dwelling unit” is consistent with the definition in the Zoning Ordinance, and it is the Zoning Ordinance that defines which uses are permitted.
  - Housekeeping units, rooming houses, rooming units and sleeping units are not permitted uses in the Village of Winnetka.
  - As defined, a “dwelling unit” is “a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.”
  - In other words, a “dwelling unit” comprises both habitable spaces (*i.e.*, spaces used for living, sleeping, eating or cooking) and spaces that are not, by themselves, habitable spaces (*i.e.*, bathrooms, toilet rooms, closets, halls, storage or utility spaces, etc.).
  - When the undefined term “habitable” is used, it is either part of a reference to habitable rooms, or it is included in a provision that pertains to housekeeping, rooming, and sleeping units, none of which are permitted by the Winnetka Zoning Ordinance.

- When the undefined term “habitable” is used, the rules of construction require that the terms have the “ordinarily accepted meanings such as the context implies.”
- Adding a new definition for an undefined term would require going through all of the other codes to make sure none of them have a different or inconsistent definition, and would also require going through the entire PMC and italicizing the newly defined term.
- **304.2 Protective treatment.** (MC-7-2011, p 9) The second last sentence, requiring the removal of oxidation stains, has been stricken.
- **304.13.2 Openable windows.** (MC-7-2011, p. 9) As discussed, in an effort to overcome any confusion from the use of the term “fixed window,” the requirement has been modified to link it to ventilation and emergency requirements.
- **305.3 Interior surfaces.** (MC-7-2011, p. 10) This provision requires interior surfaces to be “maintained in good, clean and sanitary condition.” It also currently requires cracked or loose plaster, decayed wood “and other defective surface conditions” to be corrected. (The current draft already strikes the Model Code’s requirement to repair, remove or cover peeling, chipping, flaking or abraded paint.) Pursuant to the further discussions, the reference to cracked or loose plaster has also been deleted.
- **404.2 Minimum room widths; 404.3 Minimum ceiling heights.** (MC-7-2011, p. 10) These provisions establish minimums for habitability. Mike D’Onofrio has verified that this is consistent with what is found in existing buildings.
- **502.5 Public toilet facilities.** (MC-7-2011, p. 11) To eliminate concerns that this requirement applies around the clock, the last sentence has been amended so that the requirement to keep the public toilet facilities open applies only when the premises is open to the public.
- **602.3 Heat supply.** (MC-7-2011, p. 11) The second exception applied to areas where the average monthly temperature is above 30°. Since there is already a seasonal requirement, the second exception is unnecessary and has been stricken.
- **604.2 [Electrical] Service.** (MC-7-2011, p. 12) The 200 amp rating has been changed back to the original 60 amp rating.

#### **Other comments.**

The remaining comments fell into four categories: (i) issues that were addressed in the preceding section of this Agenda Report; (ii) policy issues that relate to standard conventions of drafting regulatory codes; (iii) policy issues that have been resolved

through the enactment of other provisions in the Village Code; and (iv) general inquiries seeking clarification of a provision or suggesting an alternative.

The remainder of this memo focuses only on the second and third points.

- **Issues resolved in the course of the September 14<sup>th</sup> discussions.** (See detailed discussion above and related provisions of MC-7-2011.)
  - 304.2: The sentence requiring removal of oxidation has been deleted.
  - 604.2: 200 amps has been reduced to 60 amps.
  - 304.13.2: “Easily openable windows.” This provision is a safety issue, *i.e.*, it makes sure that windows that are supposed to open can do so and remain open using their own hardware, without being propped up with some other item, which can create a hazard.
  - 305.3: The reference to cracked or loose plaster has been removed.
  - 404.2, 404.3, 404.4: Minimum room widths, ceiling heights and bedroom and living requirements are addressed above.
  - 605.2: Questions about the number of electrical outlets in *habitable spaces* have been resolved by amending the definition of that term.
- **Policy issues related to standard drafting conventions.**
  - 102.1; 701.1: Applying the “most restrictive” standard in case of a conflict between provisions is a standard regulatory provision used throughout the Village Code.
  - 104.1: Interpretations. The limitation on the interpretations is there to prevent the code official from amending the PMC by interpretation.
- **Policy issues that have been resolved through the enactment of other provisions in the Village Code.**
  - 302.4: This provision does not include a regulation of grass height. Village Code policy has long been set in the Nuisance provision and addresses only weed height. There is no hard and fast rule regarding grass.
  - 703.1, 704.4: There were general questions about how extensive required updates for fire and life safety would be. Fire safety issues are governed by the various Fire and Life Safety Codes that have been adopted by the Village. (See MC-7-2011, p.5; and WVC Chapters 8.08 and 15.16)
- **General inquiries.**
  - 101.2: There were previously some inquiries regarding the wording in the Model Code. Those inquiries have been rendered moot by the extensive amendments to that provision. (MC-7-2011, p. 6)

- 102.7: Rules of interpretation and other referenced codes. Many of the other model codes have been adopted by the Village, or have been modified in various parts of the draft PMC. Having the PMC as adopted by the Village control over other codes in general gives the Village more control, not less, and avoids the potential for unintentionally eliminating or reducing a requirement.
- 302.2: Grading. The grading provision in the PMC is a general requirement to prevent stagnant water.
- 304.1.1: Unsafe conditions. There is adequate specificity for this provision to be administered and for a property owner to know what is prohibited.
- 304.14: The requirement for screens applies only to restaurants.
- 306.1.1: Concern was expressed about whether the reference to damage to wood was specific enough. From a drafting and enforcement standpoint, there is adequate specificity, as it is defined in relation to the cause of the damage (insects, rodents or other vermin).
- 602.3, 602.4: Some members of the Council have expressed a desire for a longer period of time for heat to be required (October through May) and for a higher minimum temperature for heat (68° rather than 65°). This is a pure policy issue for the Council, and should be considered in the light of the additional costs increased heating requirements could impose on a property owner.
- 403.1: Window size. The minimum window size is set to provide a minimum amount of light and air.
- 404.6: Some trustees have asked if efficiency units should require more square feet. The figures used in Section 404.6 are generally accepted for construction. The Zoning Ordinance governs what is permissible, and this provision would set the minimum that would be allowed to continue as a nonconformity.

**Recommendation:**

Consider introduction of Ordinance 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 both rental apartments and commercial spaces regarding a variety of building maintenance issues; and

**WHEREAS**, the Village has not received such complaints from occupants of residential condominiums; 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, the Village Council have further determined that adopting the 2009 Model Code as provided herein will establish a procedure for receiving and responding to complaints from tenants of commercial, multi-family residential and mixed commercial and multi-family residential buildings in the commercial zoning districts; and**

WHEREAS, the Village Council have further determined that it is not necessary to include residential condominiums within the scope of the Village's property maintenance code, as the self-governance of residential condominiums through condominium association by-laws appears to be a reasonably adequate means of providing for the maintenance of residential condominium buildings and the protection of the safety of the residents of those condominiums; and

WHEREAS, copies of the foregoing 2009 Model Code have 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. If the Council introduces this Ordinance on September 6<sup>th</sup>, Ordinance MC-7-2011 would not be scheduled for adoption until the October 18<sup>th</sup> Council meeting, in order to assure compliance with the 30-day posting requirement and to allow the Ordinance to go into effect when adopted.]

**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 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 written 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 WVC 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, 2009 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 WVC Section 15.04.070)
- 2. **111.2 Membership of board.** (Superseded by WVC Chapter 3.36)
- 3. **111.2.1 Alternate members.** (Superseded by WVC Chapter 3.36)
- 4. **111.2.2 Chairman.** (Superseded by WVC Chapter 3.36)
- 5. **111.2.3 Disqualification of member.** (Superseded by WVC Chapter 3.36)
- 6. **111.2.4 Secretary.** (Superseded by WVC Chapter 3.36)
- 7. **111.2.5 Compensation of members.** (Superseded by WVC Chapter 3.36)
- 8. **111.3 Notice of meeting.** (Superseded by WVC Chapter 15.72)
- 9. **111.4 Open hearing.** (Superseded by WVC Chapter 15.72)
- 10. **111.4.1 Procedure.** (Superseded by WVC Chapter 15.72).

- 11. **111.5 Postponed hearing.** (Superseded by WVC Chapter 15.72).
- 12. **111.6 Board decision.** (Superseded by WVC Chapter 15.72).
- 13. **111.6.1 Records and copies.** (Superseded by WVC Chapter 15.72).
- 14. **111.6.2 Administration.** (Superseded by WVC Chapter 15.72).
- 15. **111.7 Court review.** (Superseded by WVC Chapter 15.72).
- 16. **111.8 Stays of enforcement.** (Superseded by WVC Chapter 15.72).
- 17. **Section 303 Swimming Pools, Spas and Hot Tubs.** (Superseded by WVC 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.~~

[**Drafter’s Note:** This provision has been moved to Subsection B, ¶33, since the text of Section 404.3 and Exception 3 have not been deleted.]

- 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 of the Village of Winnetka shall be called the “Property Maintenance Code.”

2. **101.2 Scope.** Except as provided in Section 101.2.1, the provisions of this Property Maintenance Code shall apply to all existing residential, 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.

**Exceptions.** The provisions of this Property Maintenance Code shall not apply to any of the following:

- 1. to any buildings or structures located within any of the single-family residential zoning districts established pursuant to Chapter 17.08 of the Village Code;
- 2. to any residential condominium buildings or residential condominium units, regardless of where they are located;

3. in buildings with a mixture of residential condominiums and other uses, regardless of where they are located, to the portions of such buildings that contain residential condominium units; and

4. to any owner-occupied townhouses or one- or two-family residential buildings located in any of the multi-family or commercial zoning districts established pursuant to Chapter 17.08 of the Village Code.

**[Drafter’s Note:** Section 101.2 is drawn nearly verbatim from section 101.2 of the IPMC. However, it has been revised pursuant to the Council’s discussion on July 19<sup>th</sup>, by stating the exclusions in a separate paragraph, following the IPMC’s format. New Section 102.1.1 now clearly excludes all of the single family zoning districts, all residential condominiums, regardless of their location, and all owner-occupied one- and two-family buildings in the B-1, B-2, C-1 and C-2 zoning districts. The revised provision better reflects the recitals and focuses the PMC on the sources of the complaints that generated the property maintenance code discussions: rental apartments and commercial uses.]

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 15.08 of the Village Code, and all other applicable sections of the Village Code.

6. **102.8 Requirements not covered by code.** Requirements that are necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or that are necessary for the public safety, health and general welfare, but that are not specifically covered by this code, shall be determined by the *code official*.

7. **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. 104.2 Inspections. The *code official* shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. Such inspections may take place only (i) if a complaint respecting said premises has been received by the *code official* and such complaint, in the opinion of said *code official*, provides reasonable grounds for belief that a violation exists, or (ii) such inspection is undertaken by the Fire Department as part of the regular Fire and Life Safety Code inspection program. 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

12. 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.

13. 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 against a property owner by the authority having jurisdiction on such *premises* shall also be charged against the real estate upon which the structure is located, and shall be a lien against such real estate.

14. 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.]

15. 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.

16. 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.

17. 112.4 Fines; Failure to Comply. Any person who shall continue any work after

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.

## **18. SECTION 202 GENERAL DEFINITIONS**

**HABITABLE SPACE; HABITABLE ROOM.** A room or other 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.

**19. 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 a lien against the property, to the extent permitted by law.

**20. 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 Section 304.1.1 are not amended.]

**21. 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.~~

**22. 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.

**23. 304.13.2 Openable windows.** Every window that can be opened, including every window required for ventilation or for emergency ingress and egress, shall be easily openable and capable of being held in position by window hardware.

24. 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.]

25. 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.

26. 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.]

27. 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.~~

## 28. SECTION 308 REFUSE, RUBBISH AND GARBAGE

29. 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.

30. 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.

31. 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.

32. 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.

33. 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.

34. 309.3 Single occupant. The occupant of a single-tenant nonresidential structure shall be responsible for pest elimination on the premises.

~~33.35. 404.3 Minimum ceiling heights. Exceptions 1 and 2 are deleted.~~

**[Drafter's Note:** Exceptions 1 and 2 have been stricken because they pertain to single family homes, which will not be subject to the Property Maintenance Code as adopted by the Village.]

**36. 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.

**37. 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 that the premises are open to the public.

**38. 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.

**39. 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.

**40. 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.

**41. 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.

**42. 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 15<sup>th</sup> to April 15<sup>th</sup> to maintain a temperature of not less than 68°F in all habitable rooms, bathrooms and toilet rooms.

**Exceptions:** Exceptions 1 and 2 are deleted.

~~1. [Exception 1 is deleted.]~~

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

~~43. **602.4 Occupiable work spaces.** Indoor occupiable work spaces shall be supplied with heat during the period from October 15<sup>th</sup> to April 15<sup>th</sup> 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.]~~

~~44. **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.~~

~~45. **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.~~

~~46. **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~~ 60 amperes.~~

~~47. **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.~~

~~48. **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.~~

~~49. **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.~~

50. 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.

51. 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.

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

b. 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<sup>®</sup>

## INTERNATIONAL PROPERTY MAINTENANCE CODE<sup>®</sup>



2005

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 non-compliance 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 shown 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 ULE.]  
of the Village Code

**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.

**104.3 Right of entry.** See Section 15.04.07 of the Village Code. 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.

**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, cor-

rect 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

ny person who violates a provision of this code shall be subject to enforcement proceedings as provided in Chapter 15.04 of the Village Code.

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.

**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 mem-

~~bers 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

zoning

as provided  
in Chapter  
5.72 of the  
Village Code

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]~~ dollars or more than ~~[AMOUNT]~~ dollars.

250

750



## 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

## DEFINITIONS

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). All noxious weeds 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 (1210 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

six (6) inches as identified in Section 8.20 of the Village Code

## GENERAL REQUIREMENTS

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.

**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-*

commercial

## GENERAL REQUIREMENTS

~~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

## GENERAL REQUIREMENTS

*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<sup>2</sup>). 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<sup>2</sup>) 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<sup>2</sup>). 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.

## LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

**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<sup>2</sup>) and every *bedroom* shall contain at least 70 square feet (6.5 m<sup>2</sup>).

**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<sup>2</sup>). A unit occupied by three *occupants* shall have a clear floor area of not less than 320 square feet (29.7 m<sup>2</sup>). 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*.

**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.

**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.

**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-

## PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

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.~~

**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*.

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

### [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 ~~not 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

## 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*.

#### 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

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[DATE] to [DATE] 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

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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 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 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.

**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

## FIRE SAFETY REQUIREMENTS

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.

Standard reference number	Title	Referenced in code section number
A17.1/CSA B44—2007	Safety Code for Elevators and Escalators . . . . .	.606.1

American Society of Mechanical Engineers  
Three Park Avenue  
New York, NY 10016-5990

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

ASTM International  
100 Barr Harbor Drive  
West Conshohocken, PA 19428-2959

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

International Code Council  
500 New Jersey Avenue, NW  
6th Floor  
Washington, DC 20001

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

National Fire Protection Association  
1 Batterymarch Park  
Quincy, MA 02269



## 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  $\frac{1}{2}$ -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  $\frac{3}{8}$ -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.

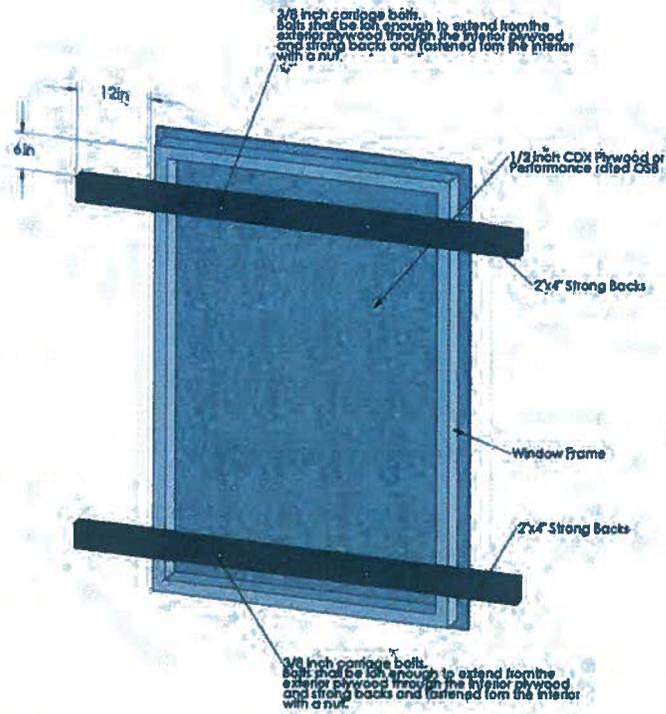


FIGURE A103.1(1)  
BOARDING OF DOOR OR WINDOW

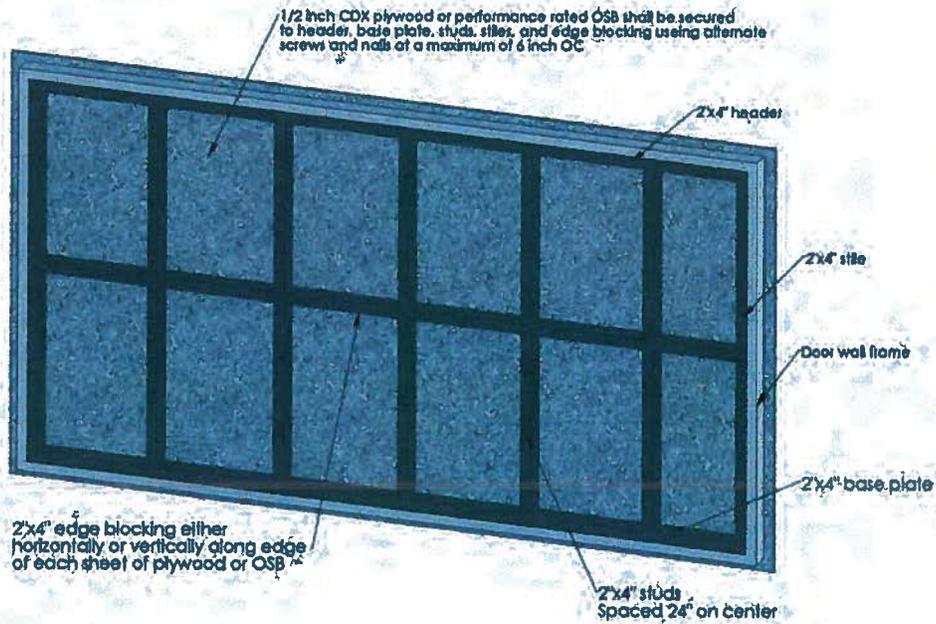


FIGURE A103.1(2)  
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#### **EDITORIAL CHANGES – FOURTH PRINTING**

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: **Identity Theft Prevention Policy**

Prepared by: Ed McKee, Finance Director 

Date: September 9, 2011

Ref:

In November 2008, the Village passed Ordinance MC-7-2008 to comply with the Fair and Accurate Credit Transactions (FACT) Act of 2003. This law required the Village to implement policies and procedures to detect, prevent, and mitigate the impact of identity theft. The Village is considered a creditor under this law as services are provided by the Village (electric, water, refuse, ...) before a customer pays for those services.

One aspect of the law is periodic review by the governing body of 1) the Village's policies, and 2) any instances where potential identity theft might have occurred. Factors that can be indicative of identity theft are commonly referred to as red flags. The Village's policy includes 13 red flags including notification received by the Village from credit reporting agencies, personal identification not looking original or matching the applicant, mail not received by the customer, and other events that could be a sign of compromised customer identity.

In terms of the program itself, the staff has been able to work within the guidelines established and no revisions are currently recommended. A copy of ordinance MC-7-2008 and the Village's policy are attached.

In terms of red flag events, since the last report to the Council dated October 1, 2009, one red flag event occurred that required the intervention of the finance director. This related to a divorcing couple. The ex-wife made many allegations about her ex-husband, provided voluminous personal information, and represented an attempted identity theft by the former spouse. It was my opinion, after reviewing the facts, that there were differences of opinion as to who was responsible for the utility bills between these two ex-spouses, but that no attempt was ever made to fraudulently assume the identity of another person.

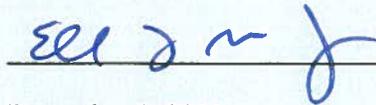
**Recommendation:** Please provide this information to the Village Council as an information only report.

**VILLAGE OF WINNETKA  
IDENTITY THEFT PREVENTION PROGRAM**

Village Council Review:           October 14, 2008  
  November 10, 2009  
  November 1, 2011

Program Administrator:           Finance Director

Signature:

  
\_\_\_\_\_

Effective Date:                    December 1, 2011

This Identity Theft Prevention Program is hereby adopted by the above-named Illinois municipality pursuant to and in compliance with the Identity Theft Rules of the Federal Trade Commission (FTC), Part 681 of Title 16 of the Code of Federal Regulations (16 CFR Part 681).

**Purpose**

The purpose of this Identity Theft Prevention Program (Program) is to protect customers of the Municipality’s utility services from identity theft. The Program is intended to establish reasonable policies and procedures to facilitate the detection, prevention and mitigation of identity theft in connection with the opening of new Covered Accounts and activity on existing Covered Accounts.

**Scope**

This Program applies to the creation, modification and access to Identifying Information of a customer of one or more of the utilities operated by the Village and all employees. This Program does not replace or repeal any previously existing policies or programs addressing some or all of the activities that are the subject of this Program, but rather it is intended to supplement any such existing policies and programs.

**Definitions**

When used in this Program, the following terms have the meanings set forth opposite their name, unless the context clearly requires that the term be given a different meaning:

Covered Account: The term “covered account” means an account that the Municipality offers or maintains, primarily for personal, family or household purposes, that involves or is designed to permit multiple payments of transactions. (16 CFR 681.2(b)(3)(i)). A utility account is a “covered account.” The term “covered account” also includes other accounts offered or

maintained by the Municipality for which there is a reasonably foreseeable risk to customers the Municipality or its customers from identity theft. (16 CFR 681.2(b)(3)(ii)).

Identity Theft: The term “identity theft” means a fraud committed or attempted using the identifying information of another person without authority. (16 CFR §681.2(b)(8) and 16 CFR §603.2(a)).

Identifying Information: The term “identifying information” means any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including any name, social security number, date of birth, official State or government issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number. Additional examples of “identifying information” are set forth in 16 CFR §603.2(a).

Red Flag: The term “Red Flag” means a pattern, practice or specific activity that indicates the possible existence of identity theft.

Certain terms used but not otherwise defined herein shall have the meanings given to them in the FTC’s Identity Theft Rules (16 CFR Part 681) or the Fair Credit Reporting Act of 1970 (15 U.S.C. §1681 *et seq.*), as amended by the Fair and Accurate Credit Transactions Act of 2003 into law on December 4, 2003. (Public Law 108-159).

### **Administration of the Program**

The initial adoption and approval of the Identity Theft Prevention Program shall be by Ordinance of the Village Council. Thereafter, changes to the Program of a day-to-day operational character and decisions relating to the interpretation and implementation of the Program may be made by the Finance Director who shall be the Program Administrator. Major revisions of this policy shall be approved by the Village Council.

Development, implementation, administration and oversight of the Program will be the responsibility of the Program Administrator. The Program Administrator will report at least annually to the Village Council regarding compliance with this Program.

Issues to be addressed in the annual Identity Theft Prevention Report include:

1. The effectiveness of the policies and procedures in addressing the risk of Identity Theft in connection with the opening of new Covered Accounts and activity with respect to existing Covered Accounts.
2. Service provider arrangements.
3. Significant incidents involving Identity Theft and management’s response.
4. Recommendations for material changes to the Program, if needed, for improvement.

## **Identity Theft Prevention Elements**

### *Identification of Relevant Red Flags*

The Municipality has considered the guidelines and the illustrative examples of possible Red Flags from the FTC's Identity Theft Rules and has reviewed the Municipality's past history with instances of identity theft, if any. The municipality hereby determines that the following are the relevant Red Flags for purposes of this Program given the relative size of the Municipality and the limited nature and scope of the services that the Municipality provides to its citizens:

- A. Alerts, notifications, or other warnings received from consumer reporting agencies or service providers.
  - 1. A Consumer Reporting Agency alerts the Village of a credit freeze, address disparity, or that an account has been noted to have abusive or fraudulent activity.
- B. The presentation of suspicious documents.
  - 2. Documents provided for ID do not appear to be genuine and unaltered.
  - 3. The photo or physical description is not consistent with the appearance of the applicant.
  - 4. Information given to open the account is not consistent with the ID of the applicant.
- C. The presentation of suspicious personal identifying information, such as a suspicious address change.
  - 5. Personal ID is of the same type associated with fraudulent activity: fictitious address, mail box drop, or prison or phone number is invalid; it is associated with a pager or answering service.
  - 6. Personal ID provided is associated with known fraudulent activity.
  - 7. Personal ID is inconsistent with utility records.
  - 8. The customer fails to provide all needed personal ID upon request.

D. The unusual use of, or other suspicious activity related to, a Covered Account.

9. The utility is notified of unauthorized charges or transactions in connection with a customer's account.

10. Customer notifies utility that they are not receiving their bill.

11. Mail sent to customer is repeatedly returned.

12. Payments are made in a manner associated with fraud. For example, a deposit or initial payment is made and no payments are made thereafter.

E. Notice of Possible Identity Theft.

13. Utility is notified by law enforcement officials or others, that it has opened a fraudulent account for a person engaged in identity theft.

#### Detection of Red Flags

The employees of the Municipality that interact directly with customers on a day-to-day basis shall have the initial responsibility for monitoring the information and documentation provided by the customer and any third-party service provider in connection with the opening of new accounts and the modification of or access to existing accounts and the detection of any Red Flags that might arise. Management shall see to it that all employees who might be called upon to assist a customer with the opening of a new account or with modifying or otherwise accessing an existing account are properly trained such that they have a working familiarity with the relevant Red Flags identified in this Program so as to be able to recognize any Red Flags that might surface in connection with the transaction.

An Employee who is not sufficiently trained to recognize the Red Flags identified in this Program shall not open a new account for any customer, modify any existing account or otherwise provide any customer with access to information in an existing account without the direct supervision and specific approval of a management employee. Management employees shall be properly trained such that they can recognize the relevant Red Flags identified in this Program and exercise sound judgment in connection with the response to any unresolved Red Flags that may present themselves in connection with the opening of a new account or with modifying or accessing of an existing account. Management employees shall be responsible for making the final decision on any such unresolved Red Flags.

The Program Administrator shall establish from time to time a written policy setting forth the manner in which prospective customers shall apply for service, the information and documentation to be provided by the prospective customer in connection with an application for a new utility service account, the steps to be taken by the employee assisting the customer with the application in verifying the customer's identity and the manner in which the information and documentation provided by the customer and any third-party service provider shall be maintained. Such policy shall be generally consistent with the spirit of the Customer Identification Program rules (31 CFR 103.121) implementing Section 326(a) of the USA PATRIOT Act but need not be as detailed. The Program Administrator shall establish from time to time a written policy setting forth the manner in which customers with existing accounts shall establish their identity before being allowed to make modifications to or otherwise gain access to existing accounts.

#### *Response to Detected Red Flags*

If the responsible employees of the Municipality as set forth in the previous section are unable, after making a good faith effort, to form a reasonable belief that they know the true identity of a customer attempting to open a new account or modify or otherwise access an existing account based on the information and documentation provided by the customer and any third-party service provider, the Municipality shall not open the new account or modify or otherwise provide access to the existing account as the case may be. Opening new accounts or the modification or access to existing accounts will be on a non-discriminatory basis based on the Village's policies.

The Program Administrator shall establish from time to time a written policy setting forth the steps to be taken in the event of an unresolved Red Flag situation. Consideration should be given to aggravating factors that may heighten the risk of Identity Theft, such as a data security incident that results in unauthorized access to a customer's account, or a notice that a customer has provided account information to a fraudulent individual or website. Appropriate responses to prevent or mitigate Identity Theft when a Red Flag is detected include:

1. Monitoring a Covered Account for evidence of Identity Theft.
2. Contacting the customer.
3. Changing any passwords, security codes, or other security devices that permit access to a Covered Account.
4. Reopening a Covered Account with a new account number.
5. Not opening a new Covered Account.
6. Closing an existing Covered Account.
7. Not attempting to collect on a Covered Account or not selling a Covered Account to a debt collector.
8. Notifying law enforcement.
9. Determining that no response is warranted under the particular circumstances.

## **Program Management and Accountability**

### **Initial Risk Assessment – Covered Accounts**

Utility accounts for personal, family and household purposes are specifically included within the definition of “covered account” in the FTC’s Identity Theft Rules. Therefore, the Municipality determines that with respect to its residential utility accounts it offers and/or maintains covered accounts. The Municipality also performed an initial risk assessment to determine whether the utility offers or maintains any other accounts for which there are reasonably foreseeable risks to customers or the utility from identity theft. In making this determination the Municipality considered (1) the methods it uses to open its accounts, (2) the methods it uses to access its accounts, and (3) its previous experience with identity theft, and it concluded that it does not offer or maintain any such other covered accounts.

### **Program Updates – Risk Assessment**

The Program, including relevant Red Flags, is to be updated as often as necessary but at least annually to reflect changes in risks to customers from Identity Theft. Factors to consider in the Program update include:

1. An assessment of the risk factors identified above.
2. Any identified Red Flag weaknesses in associated account systems or procedures.
3. Changes in methods of Identity Theft.
4. Changes in methods to detect, prevent, and mitigate Identity Theft.
5. Changes in business arrangements, including mergers, acquisitions, alliances, joint ventures, and service provider arrangements.

### **Training and Oversight**

All staff and third-party service providers performing any activity in connection with one or more Covered Accounts are to be provided appropriate training and receive effective oversight to ensure that the activity is conducted in accordance with policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft.

## **Other Legal Requirements**

Awareness of the following related legal requirements should be maintained:

- 31 U.S.C. 5318 (g) – Reporting of Suspicious Activities
- 15 U.S.C. 1681 c-1 (h) – Identity Theft Prevention; Fraud Alerts and Active Duty Alerts – Limitations on Use of Information for Credit Extensions
- 15 U.S.C. 1681 s-2 – Responsibilities of Furnishers of Information to Consumer Reporting Agencies
- 15 U.S.C. 1681 m – Requirements on Use of Consumer Reports

**Village of Winnetka**

**Red Flag Events**

A	B	C	D	E
<b>Alerts, Notifications or Warnings from Consumer Reporting Agency</b>	<b>Suspicious Documents</b>	<b>Suspicious Personal I.D. Information</b>	<b>Unusual Use or Suspicious Activity related to the Covered Account</b>	<b>Notice of Theft</b>
1. A Consumer Reporting Agency alerts the Village of a credit freeze, address disparity, or that an account has been noted to have abusive or fraudulent activity.	2. Documents provided for ID do not appear to be genuine and unaltered.	5. Personal ID is of the same type associated with fraudulent activity.: fictitious address, mail box drop, or prison or phone number is invalid; it is associated with a pager or answering service.	9. The utility is notified of unauthorized charges or transactions in connection with a customer's account.	13. Utility is notified by law enforcement officials or others, that it has opened a fraudulent account for a person engaged in identity theft.
	3. The photo or physical description is not consistent with the appearance of the applicant.	6. Personal ID provided is associated with known fraudulent activity.	10. Customer notifies utility that they are not receiving their bill.	
	4. Information given to open the account is not consistent with the ID of the applicant.	7. Personal ID is inconsistent with utility records.	11. Mail sent to customer is repeatedly returned.	
		8. The customer fails to provide all needed personal ID upon request.	12. Payments are made in a manner associated with fraud. For example, a deposit or initial payment is made and no payments are made thereafter.	

**AN ORDINANCE AMENDING  
CHAPTERS 2.48 AND 4.04 OF THE WINNETKA VILLAGE CODE  
TO PROVIDE FOR IDENTITY THEFT PROTECTION PROCEDURES**

**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 and, pursuant thereto, 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 and welfare; and

**WHEREAS**, the United States Congress has enacted the Fair and Accurate Credit Transactions (FACT) Act of 2003, which requires that creditors implement policies and procedures to detect, prevent, and mitigate the impact of identity theft; and

**WHEREAS**, the FACT Act has a mandatory compliance date of November 1, 2008; and

**WHEREAS**, as required by the FACT Act, the Federal Trade Commission (FTC) and federal banking agencies have issued final rules and guidelines for implementing the FACT Act; and

**WHEREAS**, because the Village provides a variety of services, including electric, water and refuse service, before the customer is required to pay for them, and because the Village occasionally enters into payment plans with customers with past due accounts, the Village is considered a creditor under the FACT Act and must implement policies and procedures as required by the FACT Act and applicable federal rules.

**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:** Subsection E of Section 2.48.010 of Chapter 2.48, “Finance Department,” of Title 2 of the Winnetka Village Code, “Administration and Personnel,” is hereby amended to provide as follows:

E. Powers and Duties. The Finance Director shall be subject to the control and direction of the Village Manager and shall be head of the Finance Department. Subject to the approval of the Village Manager, the Finance Director shall have both control over all of the property and employees of the Finance Department and the power to appoint and remove such employees as may be required for the efficient operation of the Department. In addition to the duties required by state law, the Finance Director shall have the following duties, functions and responsibilities:

1. To assist the Budget Officer in the preparation of the annual budgets, and to prepare tax levy and tax abatement ordinances;
2. To supervise all expenditures of the Village and to maintain accurate records of such expenditures;
3. To keep the financial records of the Village;
4. To oversee all purchases made by the Village and to develop and recommend procedures for such purchases;
5. To prepare financial reports and statements;
6. To issue bills and collect fees for water, electric, sewer, refuse and other services rendered by the Village;
7. To invest Village funds with the approval of the Treasurer;
8. To collect, and to maintain accurate records of, the following: all special assessments; all cash deposits required by the Village, including deposits for electric, sewer and water service; all fees for licenses and permits issued by the Village; and all payments of fines and fees, as provided in this code;
9. To collect late fees and to recover costs related to the collection of any unpaid or delinquent fees, fines, deposits or other payments due and owing to the Village;
10. To retain deposits and excess payments that may otherwise be subject to refunds, for the sole purpose of applying the retained amount to pay all or part of a delinquent account owed by the person making the deposit; ~~and~~
11. To develop and implement procedures to detect, prevent, and mitigate the impact of identity theft in accordance with section 4.04.020 of this Code and applicable federal laws, rules and regulations; and
12. To perform such other services as may be required by the Village Manager.

**SECTION 3:** Chapter 4.04, “Fiscal Provisions Generally” of Title 4 of the Winnetka Village Code, “Revenue and Finance,” is hereby amended to provide as follows:

#### Chapter 4.04

#### ~~FISCAL GENERAL PROVISIONS GENERALLY~~

**Sections:**

- 4.04.010 Disposition of funds.**  
~~4.04.020 Identity Theft Protection~~

**Section 4.04.010 Disposition of funds.**

No person shall be paid from the treasury upon any warrant except from the money belonging to the particular funds, or budget item, upon which such warrant shall be drawn; nor shall money be transferred by the Treasurer from one fund to another after the money has been received by the Treasurer, nor appropriated to any other purpose than that for which it has been collected or paid, except as provided in Section 4.08.010(D) of this code. (Ord. MC-228-99 § 1 (part), 1999: prior code § 3.04 (part))

**Section 4.04.020 Identity Theft Protection.**

A. Statement of Policy. It is the policy of the Village of Winnetka to establish procedures to detect, prevent, and mitigate the impact of identity theft, as required by the Fair and Accurate

Credit Transactions Act of 2003 and applicable rules promulgated by the Federal Trade Commission and federal banking agencies pursuant to said Act.

B. Development of Procedures. The Finance Director, under the supervision of the Village Manger, shall be responsible for developing the Village of Winnetka Identity Theft Protection Procedures, which shall establish procedures appropriate to the Village's operations for the detection, prevention, and mitigation of the impact of identity theft, as required by the aforesaid Act. The procedures shall include a requirement that all incidents of identity theft be reported to the Winnetka Police Department and any other law enforcement agency having jurisdiction over such matters for investigation and prosecution.

C. Village Council Review and Approval. The Village of Winnetka Identity Theft Protection Procedures, and amendments thereto, shall be subject to the review and approval of the Village Council.

D. Annual Report. During the fourth calendar quarter of each year, the Finance Director shall report to the Village Council regarding the implementation of the Village procedures, including reports of identity theft and recommendations for modifications to the procedures.

**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 6<sup>th</sup> day of November, 2008, pursuant to the following roll call vote:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**APPROVED** this 6<sup>th</sup> day of November, 2008.

Signed:

\_\_\_\_\_  
Village President

Countersigned:

\_\_\_\_\_  
Village Clerk

Introduced: October 21, 2008

Posted: October 22, 2008

Passed and Approved: November 6, 2008

Posted: November 7, 2008

To: Village Council  
 From: Ed McKee, Jr., Finance Director  
 Date: October 26, 2011  
 Re: 2011 Property Tax Levy Analysis

**Executive Summary:**

The Village of Winnetka is primarily a residential community that pays for many traditional municipal services with property tax revenues. Additionally, the Village operates several utility funds where users pay for those costs with rates that reflect the Village's costs.

The Village's share of a typical Winnetkan's total property tax bill has declined 22.5% from 17.23% in 1997 to 13.36% today. This reduction was achieved through careful management of expenses, including reducing the number of employees from 178 in 1989 to 154 in 2012. Over the last 13 years, the Village's property taxes have grown slightly less than the rate of inflation. The following chart that shows how property taxes would be allocated among the taxing districts in 1997 and 2010 for a hypothetical tax payer whose 1997 property tax bill of \$14,877 grew to \$25,946 in 2010:

**Comparison of Property Taxes Paid  
 Typical Taxing Districts in Winnetka  
 2010 Versus 1997**

10.26.2011

	1997 *			2010 **			Increase in Taxes Paid	% Change
	Tax Rate	Taxes Paid	%	Tax Rate	Taxes Paid	%		
Winnetka Public Schools	2.723	\$4,712	31.67%	2.432	\$10,317	39.76%	\$5,605	119.0%
New Trier High School	1.967	\$3,404	22.88%	1.474	\$6,253	24.10%	\$2,849	83.7%
Village of Winnetka	1.481	\$2,563	17.23%	0.817	\$3,466	13.36%	\$903	35.2%
Cook County	1.028	\$1,779	11.96%	0.474	\$2,011	7.75%	\$232	13.0%
Winnetka Park District	0.445	\$770	5.18%	0.271	\$1,150	4.43%	\$380	49.4%
Water Reclamation District	0.451	\$780	5.24%	0.274	\$1,162	4.48%	\$382	49.0%
All Others	0.502	\$869	5.84%	0.374	\$1,587	6.12%	\$718	82.6%
<b>Total</b>	<b>8.597</b>	<b>\$14,877</b>	<b>100.00%</b>	<b>6.116</b>	<b>\$25,946</b>	<b>100.00%</b>	<b>\$11,069</b>	<b>74.4%</b>

Consumer Price Index - U 158.600 215.949 13 Year Increase in CPI >> 36.2%

Below is a graph that depicts how much of each property tax dollar is received by the various taxing districts, with the Village receiving 13.36 cents of every dollar:



Pensions have received more attention in the press recently, though the Village has been reporting on this liability and the impact during our budget process for more than eleven years. As of March 31, 2011, the Village's pension liability is estimated at \$91 million with \$60 million in pension assets. This equates to a 66% funded ratio and \$31 million unfunded liability. Over time, the Village has contributed \$786,000 more than the actuarially determined amounts.

From a budget standpoint, there is some strength in select revenues such as building permits and a slight rebound in sales taxes. However, some revenues are struggling, such as shared revenues from the state and interest income which has declined significantly as interest rates have fallen. There remains a risk that the State will reduce municipal revenues legislatively as they address the State's poor financial condition.

The Village has also kept many of the fees unchanged for many years to help keep the cost to the homeowners down. Utility fees are adjusted when needed to fund operations and capital needs.

Because of the Village's conservative financial policies (adopting a reasonable budget, reducing staff when possible, and carrying significant cash reserves) we have weathered the financial stresses well compared to other municipalities. In absolute terms, however, the outlook remains guarded.

From a capital investment perspective, the Village is looking at various storm water improvements. The Council will need to define the scope of the projects to be implemented and how they will be financed.

From a budget perspective, staff will be proposing a storm water fund in the 2012/13 Village Budget to account for significant storm water improvements. The creating of a storm water fund does not in itself require an increase in property taxes or user fees. It does, however, give the Village an opportunity to account for storm water expenses in one area and is the most transparent way for the Village to show the community how we are addressing this important issue.

While the Village Staff has not proposed an increase in the property tax levy to fund storm water improvements, that is an option the Council may elect to utilize. Additionally (or alternatively), the Council may elect other means to finance storm water improvements such as user fees, special service areas, etc. to pay for these improvements.

The proposed 2011 property tax levy provides additional dollars for operating needs only and does not generate any additional dollars for storm water improvements.

If the Village were non-home rule, the 2011 property levy would be limited to the percentage increase in the CPI – U for calendar 2010 (+1.5%) plus any growth in the tax base from new development. For the 2011 property tax levy, it is estimated that the Village can increase property taxes 2.5% to 3.1% (1.5% increase in the CPI and a 1.0% to 1.6% increase from new development) and still remain within the property tax caps. The proposed 2.8% Village property tax increase will cost a tax payer with a \$20,000 total property tax bill \$40 more per year (see note 1).

### **Current Year Analysis:**

The Council and staff developed a framework in November 2005 to evaluate property tax revenue requests for the Village. The primary objective is to keep property taxes low over the long term without compromising the ability to complete capital projects on a pay as you go method. The main factors considered in setting the property tax levy are 1) budget strength (as measured in terms of revenues matching expenses), 2) cash balances, 3) projected capital, and 4) pension funding. A higher rating allows for a lower property tax levy amount without compromising the Village's financial health.

A score of 1 to 10 is assigned each category. A score of 1 indicates the financial position is very weak and expenses/capital projects should be eliminated and / or revenues increased. A ranking of 10 indicates strong operating revenues, solid reserves, and properly funded pension liabilities which would allow operations to continue without any significant tax or fee increases.

While the preliminary 2012 budget projection indicates flat revenues, staff understands the Council’s direction to limit tax and fee increases for homeowners. The overall financial rating of 30 for 2011 falls at the high end of the moderate financial category. In addition to supporting the staff’s property tax recommendation, the moderate financial category would also support modest service reductions and / or revenue increases.

Below is a summary of the ratings for the various factors used in suggesting a property tax levy amount for the Village:

Factor	2011	2010	2009	2008	2007	2006
Budget Projections	8	8	8	8	8	8
Cash Reserves	10	10	10	10	9	9
Projected Capital ##	8	8	8	8	8	8
Pension Funding	4	4	4	6	6	6
Total	30	30	30	32	31	31

## The 2011 property tax levy column assumes no more than \$5 million is used for stormwater projects in the 2012/13 budget.

The following scale is used in evaluating the property tax levy. A rating of 30 for 2010 suggests the Village should capture all of the inflationary increase and all of the new development increase as explained below:

Score/ Finances are ...	Tax Levy Recommendation	Because the tax levy should...
35 – 40 Very Strong	Maintain same dollar amount, consider new development \$’s	Be gradually reduced in real dollars consistent with the Village’s needs.
31 -34 Strong	Capture new development \$’s and some or all of the inflation increase.	Be increased somewhat to offset the impact of inflation on costs.
<b>26 – 30 *</b> <b>Moderate</b>	<b><i>Capture new development \$’s, all of the inflation increase, and consider modest service reductions and / or other revenue increases.</i></b>	<b><i>Be increased to offset inflation and stabilize revenues for operational and capital needs.</i></b>
21 – 25 Weak	Capture new development \$’s, all of the inflation increase, and consider noticeable service reductions and / revenue increases.	Be increased to offset inflation and stabilize revenues for operations and capital needs. Additional increases possible to rebuild revenues.
20 and Below Very Weak	Capture new development \$’s, all of the inflation increase, and consider significant service reductions and / revenue increases.	In addition to the reasons under “Weak”, consider additional increases to rebuild cash balances.

The methodology used by the Council in the past would suggest a property tax levy increase of 2.8%.

I have added a second column to the following chart to illustrate what changes would be needed if the Village were to issue \$10,000,000 of storm water debt. This column assumes that the principal and interest cost on these bonds is \$700,000 per year for 20 years (see note #2). I have also assumed that the property tax levy for these bonds is phased in over a two year period to lessen the impact on tax payers in any one year.

If the storm water bonds were issued as explained above, there would be an additional \$71 of property taxes in 2011 (\$111 - \$40 = \$71) to pay for one half of the principal and interest expense. In 2012, an additional \$71 increase (\$142 in total dedicated to storm water bonds annually) would be needed.

	%	Non Home-Rule Maximum @ 2.8%	%	Non Home-Rule 2.8% + Debt
2010 Property Taxes		\$ 13,105,359		\$ 13,105,359
<b>Amounts Paid by Existing Residents Under Each Option</b>				
Inflationary Increase	1.5%	\$ 196,580	1.5%	\$ 196,580
1/2 \$10mm Storm Debt Service		\$ -	2.7%	\$ 350,000
Existing Taxpayer Increase	1.5%	\$ 196,580	4.2%	\$ 546,580
<b>Increase on \$20,000 Tax Bill</b>	<b>1.5%</b>	<b>\$ 40</b>	<b>4.2%</b>	<b>\$ 111</b>
0.0203%				

<b>Total Tax Levy Summary</b>				
2010 Property Taxes		\$ 13,105,359		\$ 13,105,359
Plus: Inflationary Increase	1.5%	\$ 196,580	1.5%	\$ 196,580
New Development Increase	1.3%	\$ 170,461	1.3%	\$ 170,461
1/2 Storm Debt Increase			2.7%	\$ 350,000
<b>Total 2011 Property Taxes</b>	<b>2.8%</b>	<b>\$ 13,472,400</b>	<b>5.5%</b>	<b>\$ 13,822,400</b>

It is important to remember that the Village's property taxes are the largest and most stable revenue source for the general fund and are used to pay for most of the traditional municipal services (police, fire, public works, etc.).

Attached as supporting information are the following items:

Item	Page #
Comparison of Property Taxes Paid 2010 versus 1997	7
Property Tax Calculations	8
Tax Levy History	9
General Fund Budget Projections	10 - 11
General Fund Cash Projections	12
Pension Asset and Liability History	13 - 14

Staff will be available at the Council Meeting to present this material, answer questions, and make whatever changes are deemed appropriate to set the 2011 property tax levy amount.

**Recommendation:**

Consider setting the 2011 property tax levy at \$13,472,400, a projected \$40 increase for an existing tax payer with an annual \$20,000 total property tax bill. The overall percentage increase in the levy with new development is estimated at 2.8%.

*Footnote 1: The increase for a typical homeowner was calculated as follows:*

	Suggested Amount
Current Property Taxes	\$ 20,000
Village Portion (13.36%)	\$ 2,672
% Increase paid #	1.5%
Dollar Increase	\$ 40

# assumes new development increases the tax base by 1.3%.

*Footnote 2: The cost of issuing \$10,000,000 of debt:*

Principal amount	\$	10,000,000
20 year 3.5% interest rate factor		7%
Annual Principal and Interest	\$	700,000

**Comparison of Property Taxes Paid  
Typical Taxing Districts in Winnetka  
2010 Versus 1997**

10.26.2011

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<b>Total</b>	<b>8.597</b>	<b>\$14,877</b>	<b>100.00%</b>	<b>6.116</b>	<b>\$25,946</b>	<b>100.00%</b>	<b>\$11,069</b>	<b>74.4%</b>

Consumer Price Index - U                      158.600    215.949    13 Year Increase in CPI >>    36.2%

CPI Index (December, 13 years)                      1996    2009    Annual Geometric Mean >                      2.4%

\* 1997 Property taxes paid in March and August 2008.

\*\* 2010 Property taxes paid in March and August 2011.

# Village of Winnetka

## Property Tax Levy Calculations

10.24.2011

<u>Tax Levy Category</u>	Column A <b>2010 Extended Tax Levy</b>	Column B <b>2011 Proposed Tax Levy</b>	Column C (Column B - A) <b>Dollar Change</b>	C/A*100 <b>Percent Change</b>
<u>General Fund:</u>				
Corporate	\$9,411,820	\$10,132,173	\$720,353	7.7%
FICA/Social Security	\$180,000	\$0	(\$180,000)	-100.0%
IMRF	\$375,000	\$0	(\$375,000)	-100.0%
Sub Total General	\$9,966,820	\$10,132,173	\$165,353	1.7%
<u>Other Funds:</u>				
Police Pension	\$959,387	\$992,534	\$33,147	3.5%
Fire Pension	\$940,074	\$1,108,794	\$168,720	17.9%
<b>Storm Water Utility</b>			\$0	
Refuse Utility	\$1,100,000	\$1,100,000	\$0	0.0%
Debt Service - Resurfacing 1999	\$139,078	\$138,899	(\$179)	-0.1%
<b>Debt Service - Stormwater 2011</b>			\$0	
<b>Total Village-wide Tax Levy</b>	<b>\$13,105,359</b>	<b>\$13,472,400</b>	<b>\$367,041</b>	<b>2.8%</b>
Less: Projected New Development				
@ 1.3%, (0.3% less than 10 yr. av.)		(\$170,370)	(\$170,370)	-1.3%
<b>Existing Tax Payer Increase</b>	<b>\$13,105,359</b>	<b>\$13,302,030</b>	<b>\$196,671</b>	<b>1.5%</b>

### Increase Based on Total Property Tax Bill

Total Property Taxes Paid 100.00%	Other Taxing Distr. 86.64%	Village 13.36%	1.50% of Village
\$10,000	\$8,664	\$1,336	\$20
\$15,000	\$12,996	\$2,004	\$30
\$20,000	\$17,328	\$2,672	\$40
\$26,000	\$22,526	\$3,474	\$52
\$40,000	\$34,656	\$5,344	\$80

# Village of Winnetka Tax Levy History

9

10.24.2011

	Non-Home Rule Calculations				Actual Levy		\$'s Less Than NHR Limit	
	CPI Increase	New Develop.	Total	Max. Levy Possible (Excludes SSA's)	Actual Levy	% From PY	\$'s Under Max. This Year	\$'s Under Max. Cumulative
				\$8,980,481				
2001 Actual	3.4%	1.5%	4.9%	\$9,419,625	\$9,419,625	4.9%		
2002 Actual	1.6%	1.3%	2.9%	\$9,694,132	\$9,694,132	2.9%		
2003 Actual *	2.4%	1.2%	3.6%	\$10,047,643	\$10,047,643	3.6%		
2004 Actual	2.5%	2.0%	4.5%	\$10,496,453	\$10,496,453	4.5%		
2005 Actual **	3.3%	1.8%	5.1%	\$11,031,772	\$10,969,000	4.5%	\$62,772	\$62,772
2006 Actual	3.4%	1.9%	5.3%	\$11,616,456	\$11,435,181	4.2%	\$181,275	\$244,047
2007 Actual	2.5%	1.8%	4.3%	\$12,115,964	\$11,972,591	4.7%	\$143,373	\$387,420
2008 Actual	4.1%	1.9%	6.0%	\$12,842,922	\$12,535,303	4.7%	\$307,619	\$695,039
2009 Actual	0.1%	1.2%	1.3%	\$13,009,880	\$12,748,403	1.7%	\$261,477	\$956,516
2010 Actual	2.7%	0.9%	3.6%	\$13,478,236	\$13,105,359	2.8%	\$372,877	\$1,329,393
<b>2011 Proposed Tax Levy ***</b>	<b>1.5%</b>	<b>1.3%</b>	<b>2.8%</b>	<b>\$13,855,627</b>	<b>\$13,472,400</b>	<b>2.8%</b>	<b>\$383,227</b>	<b>\$1,339,743</b>
Average '01-'10	2.6%	1.6%	4.2%		Proposed Incr.	2.8%		
					New Develop.	-1.3%		
					Net Increase	1.5%		

\* The 2003 CPI amount of 1.9% plus a 0.6% increase for a fire pension change outside of the tax cap totals the 2.5% shown.

\*\* In 2005, the Village became home rule which removed tax caps. The Max. Levy Possible column reflects the maximum property tax levy the Village could receive if we were still operating under tax caps.

\*\*\* The 2011 CPI increase, based on the cal. 2010 CPI change is 1.5%. 106

Village of Winnetka  
General Fund Budget Projections  
In Millions of Dollars

10.24.2011

	A		B	C				
	2013 Projected Budget	% Change (A vs. B)	2012 10.24.11 Estimate	2012 Budget	2011 Audit	2010 Audit	2009 Audit	2008 Audit
<b>Revenues:</b>								
Property Tax	\$ 12.23	1.9%	\$ 12.00	\$ 11.86	\$ 11.27	\$ 11.69	\$ 10.70	\$ 10.01
Permits	\$ 1.30	-13.3%	\$ 1.50	\$ 1.29	\$ 2.00	\$ 1.50	\$ 1.54	\$ 1.53
Payment in Lieu of Taxes	\$ 1.34	3.9%	\$ 1.29	\$ 1.29	\$ 1.34	\$ 1.38	\$ 1.32	\$ 1.42
Transfers	\$ 1.84	1.7%	\$ 1.81	\$ 1.81	\$ 1.84	\$ 1.82	\$ 1.78	\$ 1.72
Sales Tax	\$ 1.10	0.0%	\$ 1.10	\$ 1.10	\$ 1.23	\$ 1.18	\$ 1.30	\$ 1.50
Income Tax	\$ 1.00	7.5%	\$ 0.93	\$ 0.93	\$ 0.94	\$ 0.99	\$ 1.18	\$ 1.14
Telecom. Tax	\$ 0.65	0.0%	\$ 0.65	\$ 0.72	\$ 0.67	\$ 0.72	\$ 0.73	\$ 0.73
Services	\$ 1.07	1.9%	\$ 1.05	\$ 1.05	\$ 0.98	\$ 0.93	\$ 0.92	\$ 0.82
Natural Gas Tax	\$ 0.45	0.0%	\$ 0.45	\$ 0.48	\$ 0.44	\$ 0.46	\$ 0.70	\$ 0.62
Interest **	\$ 0.18	0.0%	\$ 0.18	\$ 0.18	\$ 0.28	\$ 0.42	\$ 0.55	\$ 0.65
All Others	\$ 1.50	0.0%	\$ 1.50	\$ 1.63	\$ 1.79	\$ 1.97	\$ 1.18	\$ 2.04
<b>Total Revenues</b>	<b>\$ 22.66</b>	<b>0.9%</b>	<b>\$ 22.46</b>	<b>\$ 22.34</b>	<b>\$ 22.78</b>	<b>\$ 23.06</b>	<b>\$ 21.28</b>	<b>\$ 22.18</b>
<b>Expenses:</b>								
Operations #	\$ 19.42	3.0%	\$ 18.85	\$ 18.85	\$ 18.61	\$ 18.56	\$ 17.84	\$ 17.06
Transfers Out (in) ***	\$ 1.05	-32.7%	\$ 1.56	\$ 1.86	\$ 1.02	\$ (1.28)	\$ 0.90	\$ 4.80
<b>Operations total</b>	<b>\$ 20.47</b>	<b>0.3%</b>	<b>\$ 20.41</b>	<b>\$ 20.71</b>	<b>\$ 19.63</b>	<b>\$ 17.28</b>	<b>\$ 18.74</b>	<b>\$ 21.86</b>
<b>Margin from Operations</b>	<b>\$ 2.19</b>	<b>6.8%</b>	<b>\$ 2.05</b>	<b>\$ 1.63</b>	<b>\$ 3.15</b>	<b>\$ 5.78</b>	<b>\$ 2.54</b>	<b>\$ 0.32</b>
Capital *	\$ 2.40	0.0%	\$ 2.40	\$ 3.01	\$ 2.10	\$ 2.19	\$ 2.34	\$ 2.40
<b>Net Margin, After Capital</b>	<b>\$ (0.21)</b>		<b>\$ (0.35)</b>	<b>\$ (1.38)</b>	<b>\$ 1.05</b>	<b>\$ 3.59</b>	<b>\$ 0.20</b>	<b>\$ (2.08)</b>

# 2013 based on 2.5% increase in operations + \$100k for police and fire pensions.

\* The Village anticipates \$2.4 million annually for routine capital.

\*\* Assumes \$20.0 m balance @ 1.50% earnings rate.

\*\*\* 2008 amount includes \$800k for refuse (Downtown Red.\$2.5m & Facilities \$1.5m excluded).

2010 includes \$750k for refuse and \$825k for streetscape. 2011 includes \$550k for refuse and \$2.85m to close Streetscape Fu  
2012 amount includes refuse \$550k, Village Hall \$500k, Water Fund Loan \$300k, SSA3 Trapp Ln \$510k. Estm. assumes no w  
2013 amount includes refuse \$550k, Village Hall \$500k.

Points Earned for Revenues and Operating Expenses  
(maximum 5 points each)

**Proposed Schedule:**

Revenues (Estimated as a % of Budget)	< 92%	92-94	94-96	<b>96-97%</b>	<b>98-102%</b>	>102%
Points Assigned *	0	1	2	3	4	5

Operating Expenses (Estimated as a % of Budget)	< 98%	<b>98-102%</b>	102-104%	> 105%
Points Assigned *	5	4	2	0

\* Points assignment calculated as:

2011 estimated revenue points	\$ 22.46	estm. /	\$ 22.34	budget =	101%
2011 estimated expense points	\$ 20.41	estm. /	\$ 20.71	budget =	99%

Total

Village of Winnetka  
General Fund Cash Projections  
In Millions of Dollars

10.24.2011

	Budget FYE 2011	Proj. FYE 2012
Cash Balance 4/1/2011	\$ 19.86	
Adjustments:		
Deposits	\$ (1.57)	
A/P and Reserved Amounts	\$ (1.14)	
Undesignated Cash	\$ 17.15	\$ 16.80
Estimated Revenues	\$ 22.46	\$ 22.66
Estimated Operating Expenses	\$ 20.41	\$ 20.47
Est. Contribution From Operations	\$ 2.05	\$ 2.19
Estimated Capital **	\$ (2.40)	\$ (2.40)
Estimated Cash-Flow For Year	\$ (0.35)	\$ (0.21)
Undesignated Cash 3/31	\$ 16.80	\$ 16.59
Ending Cash as a % of Operating Expenses and Capital Expenses	82%	81%

\*\* Estimated at the historical norm of about \$2.4 million per year.

Points Earned for Cash Balances

Projected 2012 Ranking:

Cash as a % of Operating expenses  
Points Assigned

< 15%	16 - 25%	26%-45%	46%- 65%	> 66%
0	3	6	9	<b>10</b>

Projected 3/31/2012 cash as a percent of policy maximum:

Policy Maximum	
6 months Operating Expenses	\$ 10.2
Cash needed to Fund Pensions at 90% (estm.)	\$ 22.2
Policy Maximum	\$ 32.4

Projected balance as a % of Maximum 51%

**Village of Winnetka  
Pension Asset and Liability History  
In Millions of Dollars**

9.1.2011  
by: em

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Fiscal Year Ended Data	Total				Police Pension - 6.25%				Fire Pension - 6.25%				IL. Municipal Retirement - 7.5%			
	Assets	Liabilities	Diff.	% Fund.	Assets	Liabilities	Diff.	% Fund.	Assets	Liabilities	Diff.	% Fund.	Assets	Liabilities	Diff.	% Fund.
<b>2011</b>	<b>\$ 60.00</b>	<b>\$ 91.36</b>	<b>\$ (31.36)</b>	<b>66%</b>	<b>\$ 20.38</b>	<b>\$ 29.63</b>	<b>\$ (9.25)</b>	<b>69%</b>	<b>\$ 18.82</b>	<b>\$ 28.88</b>	<b>\$ (10.06)</b>	<b>65%</b>	<b>\$ 20.80</b>	<b>\$ 32.85</b>	<b>\$ (12.05)</b>	<b>63%</b>
2010	\$ 58.97	\$ 90.79	\$ (31.82)	65%	\$ 18.90	\$ 28.78	\$ (9.88)	66%	\$ 17.80	\$ 28.12	\$ (10.32)	63%	\$ 22.27	\$ 33.89	\$ (11.62)	66%
2009	\$ 53.75	\$ 85.34	\$ (31.59)	63%	\$ 16.05	\$ 26.89	\$ (10.84)	60%	\$ 15.13	\$ 26.29	\$ (11.16)	58%	\$ 22.57	\$ 32.16	\$ (9.59)	70%
2008	\$ 62.40	\$ 80.72	\$ (18.32)	77%	\$ 18.24	\$ 23.94	\$ (5.70)	76%	\$ 16.86	\$ 25.01	\$ (8.15)	67%	\$ 27.30	\$ 31.77	\$ (4.47)	86%
2007	\$ 57.84	\$ 76.29	\$ (18.45)	76%	\$ 17.16	\$ 22.54	\$ (5.38)	76%	\$ 15.84	\$ 24.06	\$ (8.22)	66%	\$ 24.84	\$ 29.69	\$ (4.85)	84%
2006	\$ 53.53	\$ 69.40	\$ (15.87)	77%	\$ 16.26	\$ 20.03	\$ (3.77)	81%	\$ 14.95	\$ 21.62	\$ (6.67)	69%	\$ 22.32	\$ 27.75	\$ (5.43)	80%
2005	\$ 51.78	\$ 64.87	\$ (13.09)	80%	\$ 15.85	\$ 18.83	\$ (2.98)	84%	\$ 14.49	\$ 19.78	\$ (5.29)	73%	\$ 21.44	\$ 26.26	\$ (4.82)	82%
2004	\$ 48.74	\$ 61.54	\$ (12.80)	79%	\$ 14.40	\$ 18.11	\$ (3.71)	80%	\$ 13.33	\$ 18.55	\$ (5.22)	72%	\$ 21.01	\$ 24.88	\$ (3.87)	84%
2003	\$ 49.41	\$ 57.04	\$ (7.63)	87%	\$ 15.54	\$ 16.80	\$ (1.26)	93%	\$ 14.04	\$ 17.89	\$ (3.85)	78%	\$ 19.83	\$ 22.35	\$ (2.52)	89%
2002	\$ 46.52	\$ 54.37	\$ (7.85)	86%	\$ 15.22	\$ 16.44	\$ (1.22)	93%	\$ 13.78	\$ 16.92	\$ (3.14)	81%	\$ 17.52	\$ 21.01	\$ (3.49)	83%
2001	\$ 43.40	\$ 50.36	\$ (6.96)	86%	\$ 14.86	\$ 15.36	\$ (0.50)	97%	\$ 13.43	\$ 15.51	\$ (2.08)	87%	\$ 15.11	\$ 19.49	\$ (4.38)	78%
1980	\$ 3.25	\$ 12.46	\$ (9.21)	26%	\$ 1.32	\$ 3.89	\$ (2.57)	34%	\$ 1.42	\$ 4.36	\$ (2.94)	33%	\$ 0.51	\$ 4.21	\$ (3.70)	12%
2001 - 2011 Change	\$ 16.60	\$ 41.00	\$ (24.40)	-21%	\$ 5.52	\$ 14.27	\$ (8.75)	-28%	\$ 5.39	\$ 13.37	\$ (7.98)	-21%	\$ 5.69	\$ 13.36	\$ (7.67)	-14%
% Change	43%	87%	310%		39%	98%	2083%		42%	90%	405%		47%	76%	140%	

1980 amounts taken from 1981 CAFR.

Police and Fire investment assumptions, prior to 2006 - 7.0%, 2007 - 2009 - 6.50%, 2010 - 6.25%.

Points Earned for Pension Funding (10 point maximum)

Combined % Funded ***	< 60%	<b>60 - 69%</b>	70 - 79%	80 - 89%	90-100%	> 100%
Points Assigned	2	<b>4</b>	6	8	9	10

For Police and Fire Pension Funds:

\* In 2007 the assumed rate of return was reduced from 7.0% to 6.5%.

In 2010 the assumed rate of return was reduced from 6.5% to 6.0%.

In 2011 the assumed rate of return was increased from 6.0% to 6.25%.

To fund all three pension plans at the 90% level would require \$ 22.22 million.

	100%	90%
Assets	\$ 60.00	\$ 60.00
Liabilities	\$ 91.36	\$ 82.22
Difference	\$ (31.36)	\$ (22.22)

\$ (9.14)