

CHAPTER 157: ESTABLISHMENT OF OCCUPANCY PERMIT

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§157.001 INTENT AND PURPOSE.

The intent and purpose of this housing code is to protect the public health, safety and the general welfare of the citizens of the City of Wood River. These general objectives include, among others, the following specific purposes:

- (a) To protect the character and stability of residential areas within the City of Wood River.
- (b) To provide minimum standards for heating and sanitary equipment necessary to the health and safety of occupants of buildings.
- (c) To provide facilities for light and ventilation, necessary to health and safety of occupants of buildings.
- (d) To prevent additions or alterations to existing dwellings that would be injurious to the life, health, safety or general welfare of the occupants of such dwellings or neighboring properties.
- (e) To provide minimum standards for the maintenance of existing residential buildings to prohibit unsuitable residential housing.
- (f) To preserve the taxable value of land and buildings throughout the City.

§157.002 EXISTING REMEDIES.

Nothing in this code shall be deemed to abolish or impair existing remedies of the municipality or its officers or agencies relating to the removal or demolition of any buildings which are deemed to be dangerous, unsafe, or unsanitary.

§157.003 APPLICABILITY.

Every building or its premises used in whole or in part as a home or residence or as an accessory structure thereof, of a single family or person and every building used in whole or in part as a home or residence of two or more persons or families living in separate rooms or commercial apartments shall conform to the requirements of this code, regardless of the class to which such buildings may otherwise belong and regardless of when such building may have been constructed, altered or repaired. Every person, applicant, owner shall apply for an occupancy permit, no occupancy permits shall be necessary or issued until such time as an actual change of occupancy. It shall be unlawful for the owner of any residential or commercial structure or dwelling unit that has been leased or rented or is intended to be leased or rented to rent for occupancy until said owner has first secured an occupancy permit, authorizing occupancy for the buyer, lessee or transferee as the case may be and has delivered said permit to said buyer or lessee.

§157.004 DISCLAIMER OF LIABILITY.:

- (a) Except as may be provided otherwise by statute or ordinance, no officer, council agent, or employee of this municipality shall render themselves personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of their duties under this ordinance.
- (b) Any suit brought against any officer, council member, agent, or employee of this municipality, as a result of any act required or permitted in the discharge of their duties under this ordinance, shall be defended by the Illinois Municipal League Risk Management Attorney until the final determination of the legal proceedings.

§157.005 RULES AND DEFINITIONS.

For the purpose of this code, the following words and phrases shall have the meaning respectively ascribed to them by this section. Any word or phrase not defined below, shall, if applicable, be given the definition which appears in the Zoning Code of the City of Wood River, as presently enacted or hereafter amended.

RULES: Whenever the words "dwelling", "dwelling unit", "rooming house", "rooming unit", or "premises" are used in this ordinance, they shall be construed as though they were followed by the words "or any part thereof".

ADMINISTRATOR: The Building and Zoning Director.

ACCESSORY STRUCTURE: A detached structure subordinate to the main or principal structure located on the same lot, the use of which is customary or complementary to the main building.

BASEMENT: That portion of a building having its floor level below the surface of the ground immediately adjoining it.

BATHROOM: A room containing bathing and sanitary facilities provided within each living unit consisting of a water closet, a tub, or shower and a lavatory; a bathroom shall afford privacy to the person using it.

CODE: The Occupancy Code of the City of Wood River, Illinois, as presently enacted or hereafter amended.

DETERIORATION: The condition or appearance of a building or part thereof, characterized by breaks, holes, rot, crumbling, cracking, peeling, rusting, or other evidence of physical decay or neglect, excessive use of, or lack of maintenance.

DWELLING UNIT: One or more rooms in a building designated for occupancy for living purposes and having its own permanently installed cooking and sanitary facilities.

EXTERMINATION: Shall mean the control and elimination of insects, rodents or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods, approved by the City of Wood River.

FAMILY: An individual or married couple and the children thereof and no more than two other persons related directly to the individual or married couple by blood or marriage, or a group of not more than three persons not related by blood or marriage, living together as a single housekeeping unit in a dwelling unit.

HABITABLE BUILDING: Any structure or part thereof that shall be used as home or place of abode by one or more persons.

HABITABLE ROOM: Every room in any building in which persons sleep, eat or carry on their usual domestic or social vocations or avocations. It shall not include private laundries, bathrooms, toilet rooms, pantries, storerooms, corridors, rooms for mechanical equipment for service to the building, or other similar spaces not used by persons frequently or during extended periods.

KITCHEN: A kitchen is a space, either a separate room or a portion of a multipurpose room, which contains a sink with counter working space, adequate space for cooking and refrigeration equipment and for the storage of cooking utensils.

MULTIPLE FAMILY DWELLING: A building or portion thereof designed or altered for occupancy by more than one family, each living independently of the other.

OCCUPANCY INSPECTOR: A person authorized by the Administrator to perform Occupancy Inspections.

OCCUPANT: Any person (including owner or operator) living and sleeping in a dwelling unit or having actual possession of said dwelling or rooming unit.

OWNER: Any person, firm or corporation who, alone, jointly, or severally with others, shall be in actual possession of, or have charge, care or control of, any dwelling or dwelling unit within the City as owner, employee or agent of the owner, or as trustee or guardian of the estate or person of the title holder, and such person shall be bound to comply with the provisions of this chapter to the same extent as the owner. To qualify as an agent of the owner, the person presenting said authorization, as an agent of the owner, shall have a completed Customer Letter of Authorization to Conduct Account Activity form. The authorized agent must provide two (2) forms of identification, the first being a valid state or federal government issued ID, the second form of identification being a signature verification.

OPERATOR: Operator shall mean any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.

PERSON: The word "person" shall include a corporation, firm, partnership, association, organization and any other group acting as a unit as well as individuals. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word "person" is used in any section of this chapter prescribing a penalty or fine, as to partnerships or association, the word shall include the partners or members thereof, and as to corporations, shall include the officer, agents or members thereof who are responsible for any violations of such section.

PLUMBING: All of the following facilities and equipment: Gas pipes, gas burning equipment, water pipes, steam pipes, garbage disposal units, waste pipes, toilets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar fixtures, together with all connections to water, sewer, or gas lines.

PROVIDED: Any material furnished, supplied, paid for or under the control of the owner.

PUBLIC HALL: A hall, corridor, or passageway for egress from a dwelling not within the exclusive control of one family or individual.

ROOMING UNIT: Any room or group of rooms from a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

REPAIR: To restore to a sound and acceptable state of operation, serviceability or appearance. Repairs shall be expected to last approximately as long as would the replacement by new items.

REPLACE: To remove an existing item or portion of a system and to construct or install a new item of similar or improved quality as the existing item when new. Replacement will ordinarily take place when the item is incapable of repair.

RUBBISH: The word "rubbish" includes but is not limited to both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, furniture, crockery and similar materials.

SMOKE DETECTOR: Includes the terms "Approved Smoke Detector" and shall mean smoke detector of the ionization or photo-electric type, which complies with all of the requirements of the Rules and Regulations of the Illinois State Fire Marshall.

STRUCTURE: Anything constructed or erected which requires permanent or temporary location on the ground or is attached to something having a permanent or temporary location on the ground. A sign or other advertising medium, detached or projecting, and fences and free-standing walls shall be construed to be a structure.

SUBSTANDARD: All buildings used for purposes of human habitation that do not conform to the minimum standards established by this ordinance and by any other ordinances or codes.

SUPPLIED: Shall mean paid for, furnished, or provided by or under the control of, the owner or operator.

§157.006 MINIMUM STANDARDS FOR DWELLING AND FAMILY UNITS GENERALLY.

It shall be unlawful for any person to occupy, let or hold out to another for occupancy any dwelling unit for the purpose of living therein which is not safe, clean, and fit for human occupancy, in both the exterior and the interior appearances, and which does not comply with the requirements of this Code.

§157.007 BASEMENTS AND CELLARS.

Every basement and every cellar shall be maintained in a safe and sanitary condition. Water shall not be permitted to accumulate or stand on the floor. All sewer connections shall be properly trapped. All cellar and slab drains shall be covered with grating. Rubbish and waste shall not be permitted to accumulate to such an extent as to create fire hazards or to endanger health or safety.

§157.008 FACILITIES, EQUIPMENT AND CHIMNEYS.

Every supplied fixture and piece of equipment or utility, and every chimney and chimney flue shall be installed and maintained in a safe, sound and sanitary working condition, consistent with the requirement of this Ordinance. 90% efficient furnaces vented into masonry flue must have a stainless steel liner.

§157.009 FLOORS, INTERIOR WALLS AND CEILINGS.

Every floor, interior wall, and ceiling shall be adequately protected against the passage and harborage of vermin and rodents, and shall be kept in sound condition and good repair. Every floor shall be free of holes and cracks. Every floor shall be free of loose, warped, protruding or rotting floorboards. Every interior wall and ceiling shall be free of holes and large cracks and shall be maintained in a tight weatherproof condition. Every interior wall and ceiling shall be free of loose plaster or other structural material. Plaster, paint and all other surface materials shall be of such character as to be easily cleanable, and shall be reasonably smooth, clean and tight.

§157.010 BATHROOMS.

Every toilet room and bathroom floor surface shall be substantially impervious to water and be capable of being maintained easily in a clean and sanitary condition. Every bathroom shall have a minimum of one lighting fixture and shall be vented or have a window and one GFCI receptacle shall be required per bathroom. All bathroom water supplies shall be in good and operable condition and shall have hot and cold running water.

§157.011 LAUNDRY AREA.

All laundry areas shall contain a minimum of one lighting fixture. If a clothes dryer is present in a laundry area, said exhaust for the dryer must be in good and operable condition.

§157.012 FOUNDATIONS, EXTERIOR WALLS AND ROOFS.

The foundation, exterior walls and exterior roof shall be substantially watertight and protected against rodents and shall be kept in sound condition and repair. The foundation elements shall support the building at all points. Every exterior wall shall be free of deterioration, holes, breaks, loose or rotting board or timbers, and any other condition which might admit rain or dampness to the interior portions of the walls or to the exterior spaces of the dwelling. The roof, which shall contain a maximum of 2 layers shall be tight and have no defects which admit rain or moisture, and roof drainage shall be adequate to prevent rain water from causing dampness in the walls. All trim shall be kept in good repair and free from cracks and defects which make them hazardous and dangerous. Every exterior structure shall have the address number placed on the principle structure in letters and numbers that are at least 4" x .5" and are visible from the curb.

§157.013 CONDITION OF LOTS.

Every yard, court, passageway, driveway, and other portion of the lot on which the dwelling stands shall be graded and drained so as to prevent the accumulation of stagnant water on any such surface. Driveways shall be maintained in good repair and be free of safety hazards. Grass shall be mowed regularly, and weeds shall be kept to a minimum. The property shall be free of accumulation of rubbish and garbage. No owner shall permit any unlicensed or inoperable motor vehicles on the premises.

§157.014 INFESTATION.

Each dwelling and all exterior appurtenances on the premises shall be adequately protected against rats, mice, termites, insects, pests, and other vermin infestations. Building defects which permit the entrance of rats, mice, termites, insects, pests and other vermin shall be corrected immediately by the owner. Tenants shall be responsible for the elimination of rodents and vermin from that part of the premises under their exclusive control except when more than one unit is infested at the same time and in this instance the owner shall be responsible for elimination of the infestation.

§157.015 WINDOWS, DOORS AND HATCHWAYS.

Every window, exterior door, and basement hatchway in a dwelling shall be substantially tight, and shall be kept in sound condition and repair. Every window shall be fully supplied with window panes which are without cracks or holes. Every window sash shall be in good condition and fit reasonably tight within its frame. Every window, other than a fixed window by design and manufactured not to open to the elements, shall be capable of being easily opened and shall be held in position by window hardware. Every exterior door, door hinge, and door latch shall be in good condition and shall be capable of locking. Every exterior door, when closed shall fit reasonably well within its frame. Every window, door and frame shall be constructed and maintained in such relation to the adjacent wall construction as completely to exclude rain, and substantially to exclude wind from entering the dwelling. Every exterior door must be capable of being unlocked from the inside with no key required to exit. Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage water into the building.

§157.016 BROKEN GLASS AND BOARDING-UP.

Every window, glazed exterior door, exterior transom, or exterior sidelight shall be provided with properly installed glass or other approved glazing material. In the event of breakage, the owner and/or occupant shall cause the immediate removal of broken glass from the premises and shall temporarily board up the affected openings with suitable material to provide protection from the elements and to prevent entry of insects, birds or animals and to provide security to occupants or contents of the building.

§157.017 ACCESSORY STRUCTURES.

All accessory structures shall be kept in good repair and shall be structurally sound.

§157.018 GARBAGE CONTAINERS WITH LIDS SUPPLIED AND DUMPSTERS SCREENED.

Garbage and rubbish shall be placed in containers with tightly fitted lids. Containers shall not be located in such a manner to be an eyesore, health threat, or nuisance due to the blowing of debris from containers by the wind. Therefore, those containers that are not situated in always or enclosed within a building, shall be enclosed by a solid six-foot screening device, such as a fence or wall, so as to be completely concealed on three sides with only one side left open for accessibility by the collection crews.

§157.019 VENTILATION AND LIGHTING.

Adequate ventilation and natural lighting shall be provided in all occupied dwelling units.

§157.020 BOARDING UP.

Since the presence of boarded-up buildings, particularly those where the boarding is unpainted, or applied in a non-secure, careless, or unrepresentable fashion invites vandalism, and creates a blighting influence which adversely affects the general welfare of the people of this City, it is hereby required that all boarding-up of exterior openings be accomplished in a neat workmanlike manner with not less than ½ inch thick weather – resistant plywood, or its equivalent, cut to fit within openings, fastened in place as securely as possible, and suitably coated with an appropriate neutral color blending with or harmonizing with the exterior colors of the building as inconspicuously as possible. It shall be in the duty of the Administrator to notify the owner or agent of any boarded—up dwelling unit not complying with the above requirements, of the necessity of compliance giving him a period of not more than 10 working days in which to replace the broken glass, or repair, replace or paint the boarding. This notice shall be given in writing, via the U.S. Postal Service and it shall be unlawful for any owner or agent to fail to comply with the order of the Administrator contained in such notice.

§157.021 STAIRWAYS AND PORCHES.

Every stairway, inside or outside of the dwelling, and every porch, shall be kept in safe condition and sound repair. Every flight of stairs and every porch floor shall be free of deterioration. Every open stairwell and every flight of stairs which is more than four risers high shall have rails not less than two and one-half feet high and measured vertically from the nose of the tread to the top of the rail. Every porch which is more than four risers high shall have rails not less than two and one-half feet above the floor of the porch and if the porch is four (4) or more feet above grade a banister at least two and one-half feet above the porch floor is required. Every rail and banister shall be firmly fastened and maintained in good condition. No flight of stairs shall have settled more than one inch out of its intended position or have pulled away from supporting or adjacent structures. No flight of stairs shall have rotting, loose or deteriorating supports. The treads and risers of every flight of stairs shall be uniform in width and height. Every stair tread shall be strong enough to bear a concentrated load of at least four hundred pounds without danger of breaking. Every porch shall have a sound floor. No porch shall have rotting, loose or deteriorating supports.

§157.022 SMOKE DETECTORS.

Every dwelling unit shall be equipped with a properly installed smoke alarm system on each story of the dwelling unit, in each sleeping room/area, and adjacent rooms of the type approved by the City of Wood River. (Am. Ord. 14-12, passed 12-1-14)

§157.023 SWIMMING POOLS, SPAS, AND HOT TUBS.

All swimming pools, spas and hot tubs must be enclosed in a fence with a self closing and self latching gate or lockable gate.

§157.024 ELECTRICAL SYSTEM.

In every dwelling unit, every electrical outlet, switch, and fixture – whether required or not – shall be installed, maintained, and connected to the source of electric power in accordance with the provisions of the City of Wood River's currently adopted electric code.

- (a) Minimum Service. Every dwelling unit shall have main electrical service of at least one hundred (100) amperes.

- (b) Lighting. Every room shall contain at least one working ceiling light fixture or switch operated outlet or be adequately illuminated by lighting from an adjacent room for safe passage. In multiple family dwellings, every shared/public hall and stairway shall have a minimum of five (5) footcandles of electric illumination at all times.
- (c) Convenience Outlets. Every habitable room shall contain at least two (2) separate and remote wall-type electric convenience outlets. Every bathroom, basement, attached garage with electricity and laundry area shall contain at least one working grounded-type convenience outlet.

§157.025 ELECTRICAL HAZARDS.

In determining whether the electrical system of any dwelling unit is hazardous to the occupants (and thus in violation of this Code), the Administrator shall consider the size of the dwelling unit, the number of occupants, and the occupants' usage of appliances and equipment. The electrical system of a dwelling unit may be found hazardous due to any of the following conditions, including but not limited to:

- (a) Insufficient amperage;
- (b) Improper fusing, wiring, or installation;
- (c) Improper or inadequate grounding of the system or parts thereof;
- (d) The presence of loose, hanging, frayed, or bare wires;
- (e) The use of extension cords except for short-term purpose;
- (f) Insufficient outlets or fixtures;
- (g) The presence of conductor supported pendant switches or light;
- (h) The presence of flush or semi-flush mounted floor convenience outlets, lacking approved waterproof covers; or
- (i) General deterioration of the system or parts thereof.

In addition to the above requirements, the Administrator shall not issue an occupancy permit unless the dwelling unit complies with the City of Wood River's current electric code.

§157.026 HEATING.

- (a) Every dwelling unit shall be served by acceptable, properly installed heating facilities in good working condition.
- (b) Every owner, landlord, or manager of any apartment building or other multiple-family dwelling who leases or rents any dwelling unit(s) on terms, either expressed or implied is required to furnish adequate heat to the tenants or occupants thereof.

§157.027 WATER HEATING FACILITIES.

Every dwelling unit shall be served by water heating facilities that are properly installed and connected to the building's hot water lines and maintained at all times in safe operating condition.

§157.028 PLUMBING GENERALLY.

In every dwelling unit every sewer line, water line, plumbing fixture, vent, and drain shall be properly installed, and maintained free from obstructions, leaks, or defects so as to prevent structural deterioration or health hazards. Every kitchen sink shall be required to be in good and operable condition and shall have hot and cold running water. If a garbage disposal is present it must be in good and operable condition. All repairs and installations shall be made in conformity with the Building Codes and Plumbing Codes adopted by this municipality.

§157.029 STATE FIRE MARSHALL REGULATIONS.

Pursuant to Illinois Compiled Statutes, Chapter 2905 Section 20 the Office of the State Fire Marshall has adopted certain rules and regulations which appear at Title 41, Part 100 et seq. of the Illinois Register. The City of Wood River hereby adopts by reference the terms and conditions of such rules and regulations to the extent that such adoption is otherwise required by law; no occupancy permit shall be issued pursuant to this Code, except in conformance with such rules and regulations.

§157.030 EGRESS REQUIREMENTS.

Every dwelling unit shall have at least one unobstructed means of egress that leads to a public street or alley either directly or through a court or yard. Every dwelling unit located on the second or higher story shall have a least two such exists. Passage to a dwelling unit's exit(s) shall not lead through any other dwelling until or through a space that might reasonably be locked by anyone who is not a member of the household. Provided, that dual egress shall not be required in structures that are of fireproof condition as defined in the adopted Building Codes. Any basement bedroom shall have a minimum of two exits, if one exit is a window it shall be at least 5.7 square feet of clear opening and no more than 44 inches above the floor.

§157.031 ENFORCEMENT OFFICER, DUTIES.

The Administrator or designee, is hereby authorized and directed to administer and enforce the provisions of this Code. This broad responsibility encompasses, but is not limited to, the following specific duties:

- (a) To inspect dwellings, accessory structures, and residential premises in accordance with Articles II & III;
- (b) To take appropriate actions to correct violations of this Code;
- (c) To review and issue applications for occupancy permits and temporary occupancy permits;
- (d) To maintain up-to-date records of all matters pertaining to the administration and enforcement of this Code;
- (e) To periodically review the provisions of this Code to determine whether revisions are needed, and to make recommendations on these matters to the City of Wood River at least once each year;
- (f) To provide information to the general public on matters related to this Code;
- (g) To attend the applicable meetings of the City Council, or any committee thereof, any court hearings concerning this Code, and to cooperate with the corporate authorities, including the City Attorney's office;
- (h) To perform such other duties as the Corporate Authorities may from time to time prescribe;
- (i) Prepare an occupancy permit application form and inspection checklist. And provide a copy of the inspection checklist to the applicant prior to the initial inspection.

§157.032 INSPECTIONS.

The Administrator or designee may inspect dwellings, accessory structures, and residential premises as often as reasonably necessary to insure compliance with the provisions of this Code.

- (a) Whenever the Administrator considers it reasonably necessary or desirable to have such inspections made by another department of this municipality, he shall arrange for this to be done in such a manner that the owner or occupants are not subjected to numerous inspections or to multiple or conflicting correction orders.
- (b) The owner or occupant shall give the Administrator free access to the premises at any reasonable time upon display of proper identification in order to allow administrator to perform his/her duties under this Code.

§157.033 OCCUPANCY PERMITS.

Except as provided in 157.034 it shall be unlawful for any person to occupy – or for any owner or agent to allow another person to occupy any dwelling unit unless the Administrator has issued a valid occupancy permit. The Administrator shall not issue any occupancy permit until an occupancy inspector of the City of Wood River has inspected the dwelling and the proposed occupancy conforms to the requirements of this Code. However, if an inspection is performed by another agency or financial institution and is submitted in writing to the Administrator, if Administrator deems the outside inspection to be sufficient to comply with the regulations of the City of Wood River's Occupancy Permit, Administrator can issue said Occupancy permit based upon said outside inspection.

§157.034 TEMPORARY OCCUPANCY PERMIT.

A dwelling not in full compliance with this Code may be occupied while repairs are being made if the Administrator has issued a temporary occupancy permit. No temporary occupancy permit shall be issued until the Administrator has inspected the premises and determined that the occupancy thereof does not constitute a serious hazard to the health or safety of the occupants as indicated by the inspection checklist. A temporary occupancy permit shall be valid for up to two (2) weeks and may be renewed once, upon written request. Non-owner occupied dwellings are not eligible for a temporary occupancy permit.

§157.035 APPLICATION FOR PERMITS.

Every application for an occupancy permit or a temporary occupancy permit shall be filed with the Administrator on a prescribed form. The completed form must be signed by both the owner/owner's representative and Head of Household. Application filing fees shall be Fifty and No/100 Dollars (\$50.00) per dwelling unit for an occupancy permit and a temporary occupancy permit, or its renewal. The \$50.00 application filing fee shall cover only the cost of the first two (2) inspections. Thereafter, any subsequent required inspection shall require a fee of \$50.00 for each inspection. Every application for any occupancy, temporary, or renewal permit shall include the following information:

- (a) Full name, age, current address and phone number of each of the proposed occupants. A photo ID is required for each occupant above the age of 18. This photo ID must be a valid photo ID issued by a state or federal government agency.
 - (b) Name, address, and telephone number of the owner, if different from occupant;
 - (c) Address and general description of the premises to be occupied;
 - (d) Number of persons who will occupy the dwelling unit in question;
- (Am. Ord. 13-05, passed 8-19-13; Am. Ord. 19-15, passed 10-21-19)

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- (e) A signed copy of the lease agreement or rental agreement must be provided. The lease agreement or rental agreement must be a contract between the property owner, or his or her written designee, and head of household. Said head of household must be residing in said property. Each person listed on the occupancy permit must be listed on the lease agreement or rental agreement, or an addendum to said lease or agreement, signed by all parties.
- (f) Both, the owner (or his or her written designee) and head of household must sign the Occupancy Permit Application;
- (g) The head of household's full name, prior address and current telephone number must be provided. The head of household designee must be an occupant of the premises.

§157.036 REVOCATION OF PERMITS.

The Administrator, upon 10 day notice in writing, may revoke any occupancy permit or temporary occupancy permit if:

- (a) The Administrator determines that material information contained in the application for said permit is false;
- (b) The occupant refuses to allow the inspection of the premises;
- (c) The work authorized by a temporary occupancy permit is not proceeding; or
- (d) The occupant fails to comply with a corrective action order.

§157.037 UTILITIES NOT TO BE PROVIDED.

It shall be unlawful for any utility company to begin providing gas, water, electric or telephone service until a valid occupancy or temporary occupancy permit application is on file at the City Clerk's Office. The City of Wood River shall not provide water service until a valid occupancy or temporary occupancy permit application is on file at the City Clerk's Office.

§157.038 CORRECTIVE ACTION ORDER.

Whenever the Administrator determines that any occupancy or any dwelling unit, accessory structure, or other portion of residential premises is in violation of this Code, shall so notify the owner and/or occupant in writing, and order appropriate corrective action.

- (a) Contents of Order. The order to take corrective action(s) shall include the following information:
 1. A description of the premises sufficient for identification;
 2. A statement indicating the nature of the violation;
 3. A statement of the remedial action (repairs, reduced number of occupants, etc.) necessary to effect compliance;
 4. The date by which the violation must be corrected;
 5. Statement that if the violation is not corrected or if the order is not appealed within five (5) days, the occupancy permit may be revoked, a citation issued and/or the property may be declared unfit for human habitation with attendant consequences.

- (b) Service of Order. The corrective action order shall be deemed properly served upon the owner, agent, or occupant if it is:
1. Served upon him/her personally;
 2. Sent by registered mail to his/her last known address; or if (1) or (2) are impossible or refused;
 3. Posted in a conspicuous place on or about the dwelling or premises
- (c) Transfer of Ownership Prohibited. It shall be unlawful for the owner of any dwelling who has been served a corrective action order to sell, transfer, mortgage, lease, or otherwise dispose of the dwelling or its ownership interest until he/she has either:
1. Effective compliance with the provisions of this code; or
 2. Furnished the grantee, transferee, mortgagee, or lessee a true copy of the corrective action order, and has given the Administrator a signed and notarized statement from said grantee, transferee, mortgagee, or lessee that acknowledges receipt of such corrective action order and unconditionally accepts responsibility for making the required repairs.
- (d) Access by Owner or Operator. The occupant(s) of every dwelling unit shall give the owner or operator, or his agent or employee, free access thereto at any reasonable time in order to allow him to make any inspection, alteration, maintenance, or repair necessary to effect compliance with this Code.
- (e) It is unlawful for any person to occupy or let or hold out to another for occupancy any dwelling unit for the purpose of living therein, where such dwelling unit does not comply with the steps required by the corrective action order.

§157.039 DWELLINGS UNFIT FOR HUMAN HABITATION.

In addition to action authorized elsewhere in this Code, the Administrator shall declare "unfit for human habitation" any dwelling that is so damaged, dilapidated, vermin - infested, or deficient with respect to illumination, ventilation, or basic facilities (including sanitary, electrical, plumbing, heating, etc.) that it creates a serious hazard to the health and/or safety of the occupants or the public. Said declaration shall occur after the corrective action Order has been duly served, and compliance has not been effectuated.

- (a) Placard. The Administrator shall post a placard on every dwelling declared unfit for human habitation. The placard shall include:
1. The name of this municipality;
 2. A statement that said placard has been posted by the Administrator under authority of this Code;
 3. The date of posting;
 4. An order that the dwelling must remain vacated and off-limits to all unauthorized persons until compliance with this Code is achieved and such order to vacate is withdrawn; and

5. A statement that defacement or removal of the placard is a violation of this Code punishable by a fine not to exceed Five Hundred Dollars (\$500.00).
- (b) Dwelling to be Vacated. Any dwelling declared unfit for human habitation and so placarded shall be vacated within 8 hours as ordered by the Administrator. Occupancy of such dwelling shall not be resumed until the Administrator has issued occupancy permit in writing and removed the placard.
- (c) The Administrator shall remove the placard as soon as the defects that prompted the declaration of unfitness have been eliminated. No other person shall deface or remove said placard.
- (d) Vacated Dwelling to be Made Secure. The owner of every dwelling declared unfit for human habitation shall board-up and otherwise make said dwelling safe and secure so that it does not constitute a fire hazard or public nuisance.

§157.040 EMERGENCY MEASURES.

Notwithstanding any other provision of this Code, whenever the Administrator determines that any dwelling, accessory structure, or other part of residential premises poses an immediate peril to the occupants or the public, the Administrator may take any action necessary to alleviate the perilous condition. If any dwelling owner fails to obey the corrected action order or fails to enact emergency measures, the Administrator may cause the necessary work, up to and including demolition to be performed by the municipal employees or may contract to have the work done by a private concern. The Administrator shall keep an accurate account of the expenses incurred and shall file such account with the municipal clerk. The Clerk shall pay such expenses on behalf of the municipality. Said expenses shall be filed as a lien against the premises with the Recorder of Deeds Office in Madison County in accordance with state statutes.

§157.041 RECOVERY OF COSTS.

The Clerk shall mail a statement of the total expenses incurred to the dwelling owner, in accordance with the Illinois Revised Statutes. If the owner has not paid the total amount due within fifteen (15) days after said statement is mailed, the costs shall constitute a lien on the property. The municipal clerk shall file notice of this lien with the Recorder of Deeds in this county, setting forth a description of the real estate sufficient for identification, the amount of the expenses incurred, and the date on which the expenses were incurred.

§157.042 COMPLAINT.

Whenever any violation of the Code occurs, or is alleged to have occurred, any person may file an oral or written complaint. The Administrator shall record such complaints, promptly investigate, and (if necessary) institute appropriate corrective action, punitive action or combination thereof.

§157.043 APPEAL.

Any person affected by a decision of the Occupancy Inspector shall have the right to appeal the decision of the Occupancy Inspector to the Administrator, provided that a written application for appeal is filed with the City Clerk within twenty (20) business days after the day of the decision, notice or order was served. The fee for filing an appeal shall be \$50.00. An application for appeal shall be based on a claim that the true intent of the Occupancy Code or Ordinances legally adopted has been incorrectly interpreted, the provisions of the Code or Ordinances do not apply, or the requirements are adequately satisfied by other means.

An appeal stays all further action on the matter being appealed, unless the Administrator certifies to the corporate authorities, after the notice of appeal is filed that for reasons stated in the certificate, a stay would cause immediate peril to life or property. In such case further action shall not be stayed unless the Circuit Court grants a restraining order for due cause and so notifies the Administrator.

Within five business days of the filing of the appeal, the Administrator shall hold an informal hearing with the person to review the decision of the Occupancy Inspector. Unless otherwise agreed, the Administrator shall issue a written decision within two business days of the informal hearing. In the event the person is not satisfied with the decision of the Administrator regarding the appeal, the person may then appeal. This decision shall be final as of the date issued and may be appealed by the person to the courts in accordance with law.

§157.044 PENALTIES.

- (a) It is unlawful to violate any provision of this Code. A violation of any provision of this Code shall be an ordinance violation. The occupant shall be considered separate and independent from the owner (unless they are one and the same), and each, upon conviction, shall be deemed to be a separate and distinct offense for which a separate penalty may be imposed.
- (b) Any person who is convicted of a violation of this Code shall be fined not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), plus costs.
- (c) Nothing contained in this section shall prevent this municipality from taking any other lawful action that may be necessary to secure compliance with this Code. Nothing contained in this Section shall preclude this municipality from recovering any other relief, including fines, costs, damages, attorney's fees or injunctive relief, to which this municipality may otherwise be entitled to receive pursuant to law.
- (d) Nothing contained within this Ordinance shall require the Administrator or any other person to issue a corrective order to take any other steps as a prerequisite to filing an ordinance violation or seeking any other relief.

(Established by Ord. 05-04, passed May 16, 2005; Am. Ord. 08-06, passed 3-3-08; Am. Ord. 19-15, 10-21-19)

