

ORDINANCE NO. 1804-17

AN ORDINANCE ADOPTING THE VILLAGE OF HAWTHORN WOODS
PROPERTY MAINTENANCE CODE

WHEREAS, the International Property Maintenance Code, 2015 Edition, as amended, is a comprehensive code which establishes regulations and standards for all buildings and structures related to supplied utilities and facilities and physical conditions essential to ensure that structures are safe, sanitary, and fit for human occupancy; and

WHEREAS, the International Property Maintenance Code, 2015 Edition, as amended, is founded on principles intended to establish provisions consistent with the scope of a property maintenance code that adequately protects health, safety and welfare; provisions that do not restrict use of new materials, products or methods of construction; and provisions that do not give preferential treatment to particular types of classes of materials, products or methods of construction.

WHEREAS, the International Property Maintenance Code, 2015 Edition, as amended, stays up-to-date with current regulations through review of proposed changes submitted by code enforcement officials, industry representatives, design professionals, and other interested parties; and

WHEREAS, the Mayor and the Board of Trustees has determined that it is in the best interest of the Village of Hawthorn Woods to adopt the International Property Maintenance Code, 2015 Edition, as amended, as the new Village of Hawthorn Woods Property Maintenance Code with the amendments contained herein.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and the Village Board of Trustees of the Village of Hawthorn Woods, Lake County, Illinois, as follows:

Section I.

Chapter 8-1-6 of the Hawthorn Woods Municipal Code is hereby deleted and replaced by the following:

...“

8-1-6 – PROPERTY MAINTENANCE CODE

This chapter shall be known and cited as the Hawthorn Woods Property Maintenance Code.

A – PROPERTY MAINTENANCE CODE CREATED

There is created and established, in and for the Village of Hawthorn Woods, the Hawthorn Woods Property Maintenance Code.

B – ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE

The International Property Maintenance Code, 2015 Edition, as amended and as issued and promulgated by the International Code Council, three (3) copies of which have been on file in the Village Hall for at least thirty (30) days prior hereto, and open to public inspection, by this reference is incorporated herein in its entirety and adopted as the Hawthorn Woods Property Maintenance Code with the amendments contained herein.

The Hawthorn Woods Property Maintenance Code is adopted for the purpose of regulating and governing the conditions and maintenance of all properties, 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 as hereafter set forth in the Village of Hawthorn Woods, Lake County, Illinois, applicable to existing buildings or structures.

C – AMENDMENTS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE

SECTION 101 – GENERAL

101.1 Title

Delete in its entirety and replace with the following:

These regulations shall be known as the Hawthorn Woods Property Maintenance Code, hereinafter sometimes referred to as “this code”. The Village of Hawthorn Woods is hereinafter referred to as “Village”.

SECTION 102 – APPLICABILITY

102.3 Application of Other Codes

Replace “International Electric Code” and “International Plumbing Code” with “National Electrical Code” and “Hawthorn Woods Plumbing Code” the most recent editions as adopted by Village of Hawthorn Woods.

SECTION 103 – DEPARTMENT OF PROPERTY MAINTENANCE

INSPECTION

In the section title, delete “Department of Property Maintenance” and insert “Community Development Department”

103.1 General

Delete this section in its entirety and replace with the following:

The Village Community Development Department (hereinafter referred to as “CD Department”) shall be the department responsible for the enforcement of this code, and the official in charge thereof shall be the Village Community Development Director (hereinafter referred to as “CD Director”). The CD Director shall also be known as the “Code Official.”

103.5 Fees

Delete this section in its entirety and replace with the following:

Fees for activities and services performed by the CD Department in carrying out its responsibilities under this code shall be in accordance with the Village of Hawthorn Woods Fee Schedule listed in Title 11 of the Hawthorn Woods Municipal Code, as amended from time to time.

SECTION 104 – DUTIES AND POWERS OF THE CODE OFFICIAL

104.3 Right of Entry

Delete this section and replace with:

All inspections shall be conducted in accordance with Title 4, Chapter 2 of the Village of Hawthorn Woods Municipal Code.

104.4 Identification

Delete “Code Official” and replace with “CD Department personnel” in the first sentence of the paragraph.

SECTION 106 – VIOLATIONS

106.4 Violation Penalties

Delete this section in its entirety and replace with the following:

Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be guilty of an ordinance violation and shall be subject to the penalty as provided in Section 1-4-1 of the Municipal Code.

106.5 Abatement of Violation

Delete this section in its entirety and replace with the following:

The imposition of the penalties herein prescribed shall not preclude the Village Attorney or other attorneys retained by the Village from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

SECTION 107 – NOTICES AND ORDERS

107.2 Form

Add the following Number to this section:

7. Inform the property owner that failure to correct the violations will result in a Notice to Appear before the Administrative Hearing Officer of the Village being issued.

107.3 Method of Service

Delete this section in its entirety and replace with the following:

Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by first-class mail addressed to the last known address of the owner of the property or the person who last paid the general real estate taxes on the property according to county collector's records; 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. If the property is vacant, written notice shall be placed on the premises in a conspicuous manner.

SECTION 108 – UNSAFE STRUCTURES AND EQUIPMENT

108.2 Closing of Vacant Structures

Add the following sentence after the last sentence in this section:

Whenever a structure is closed using plywood or other approved materials to prevent entry, such plywood or other approved materials, must be tight fitting within the opening being closed and, at the discretion of the Village, painted or finished the same color to correspond with the existing structure. The owner of the property shall maintain such construction materials in good condition while the structure is closed.

108.4 Placarding

Add “: Declared Unfit for Human Occupancy” after the word “Condemned”

108.4.1 Placard Removal

Delete this section in its entirety and replace with the following:

The Code Official shall remove the “Condemned: Declared Unfit for Human Occupancy” placard whenever the defect or defects upon which the “Condemned: Declared Unfit for Human Occupancy” or placard action were based have been eliminated. Any person who defaces or removes the “Condemned: Declared Unfit for Human Occupancy” placard without the approval of the Code Official shall be subject to penalties provided by this code.

SECTION 109 – EMERGENCY MEASURES

109.1 Imminent Danger

Add the words “or adjoining property” after the words “endangers life”.

109.2 Temporary Safeguards

Add the following after the last sentence in this section:

The costs of such temporary safeguards shall be charged to the property owner and shall be a lien upon such real estate.

109.3 Closing Streets

Delete this section in its entirety and replace with the following:

When necessary for public safety, the code official shall temporarily close structures and shall request the Chief of Police, or designee, to close sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

109.5 Costs of Emergency Repairs

Delete this section in its entirety and replace with the following:

If costs incurred in the performance of emergency work are paid by the Village, the costs of such emergency repairs shall be charged to the property owner and shall be a lien upon such real estate.

SECTION 110 – DEMOLITION

110.1 General

Delete this section in its entirety and replace with the following:

The Code Official shall seek a court order requiring the owner of any premises upon which is located any structure, which in the Code Official’s judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, 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 such structure safe and sanitary or to demolish and remove such structure 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, to demolish and remove such structure.

SECTION 112 – STOP WORK ORDER

112.4 Failure to Comply

Delete this section in its entirety and replace with the following:

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 subject to penalty as provided in section 1-4-1 of the Municipal Code.

CHAPTER 2 – DEFINITIONS

Add the following definition to this section:

ABANDONED VEHICLE. All motor vehicles or other vehicles in a state of disrepair rendering the vehicle incapable of being driven in its condition; or any motor vehicle or other vehicle that has not been moved or used for seven (7) consecutive days or more and is apparently abandoned.

CODE OFFICIAL

Delete this definition in its entirety and replace with the following:

The official, who is charged with the administration and enforcement of this code, or any duly authorized representative. The Community Development Director shall be known as the Code Official.

Add the following definition to this section:

GRAFFITI. The inscription on a wall, fence, sign, other building or structure, sidewalk, pavement, post, stone, tree or other manmade or natural object by carving, application of paint or other substance, or other means of any symbol (including any letter, word, numeral, emblem or combination thereof), picture or other character placed thereon, other than as permitted by the Village.

INOPERABLE MOTOR VEHICLE

Delete this definition in its entirety and replace with the following:

Any motor vehicle from which, for a period of at least seven (7) days the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power. "Inoperable motor vehicle" shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations.

Add the following definition to this section:

JURISDICTION. The Village of Hawthorn Woods.

Add the following definition to this section:

NOXIOUS WEEDS. As defined in Title 8, Chapter 1, Subchapter "f" of the Illinois Administrative Code, part 220 and Title 4, Chapter 3, Section 1 of the Village Code.

CHAPTER 3 – GENERAL REQUIREMENTS

SECTION 302 – EXTERIOR PROPERTY AREAS

302.3 Sidewalks and Driveways

Add the word "private" before the word "sidewalk"

302.4 Weeds

Insert "10-inches" as the maximum height.

Add as an additional section:

302.4.1 Removal Notice

The Community Development Director or Chief of Police or their designee, shall serve or cause to be served, written notice upon the owner of any real estate on which weeds or grasses are permitted to grow in violation of the provisions of this chapter, and to demand the abatement of the nuisance within seven (7) days.

Add as an additional section:

302.4.2 Cost of Removal

The cost of cutting and removing weeds and grasses shall become a lien on the real estate affected, until paid, superior to all other liens and encumbrances, except tax liens, provided the Village files a notice of lien in the Office of the Recorder of Deeds of Lake County, Illinois in accordance with 65 Illinois Compiled Statutes 5/11-20-7.

302.4.3 Additional Enforcement Action

In addition to, or as an alternative to a lien being filed on the real estate of the affected property, the Community Development Director or the Chief of Police may issue a notice to appear before the administrative hearing officer of the Village for violations to this section. The Village may also commence a civil proceeding to correct the violation under applicable statutory provisions.

302.4.4 Penalties for Violations

In addition to liability for the cost of abatement of such weeds or grasses, the owner, occupant or person in control of any such real estate shall, upon being found guilty, be subject to the penalty as provided in Section 1-4-1 of the Municipal Code.

302.9 Defacement of Property

Delete this section in its entirety and replace with the following:

No person shall willfully or wantonly damage, mutilate or deface any surface of any real or personal property, public or private, 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 within five (5) days of receipt of written notice from the Community Development Director or Chief of Police or their designee.

SECTION 304 – EXTERIOR STRUCTURE

304.3 Premises Identification

Add the following after the last sentence to this section:

Properties that have alley access shall also have address numbers visible from the alley.

304.14 Insect Screens

Insert “April 1 to December 1” as the dates for this requirement.

Add as an additional section:

304.15.1 Door Closers

Storm doors, screen doors, and similar swinging or hinged doors must have self-closing devices to keep doors in a closed position when not in use.

CHAPTER 5 – PLUMBING FACILITIES AND FIXTURE REQUIREMENT

SECTION 505 – WATER SYSTEM

505.4 Water Heating Facilities

Insert 120 degrees in place of 110 degrees for water temperature.

SECTION 507 – STORM DRAINAGE

Add as an additional section:

507.2 Sump Pump Drainage

Drainage from sump pumps, down spouts, window wells, or any other concentrated source of storm water shall not be discharged to create a nuisance on neighboring properties or create a flooding or ponding condition. Sump pump discharge shall not be directed to flow across a public walk or directed onto a neighboring property and shall not be closer than ten (10) feet from the adjacent property.

CHAPTER 6 – MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 602 – HEATING FACILITIES

602.3 Heat Supply

Insert September 15th to June 1st for required timeframes

602.4 Occupiable Work Spaces

Insert September 15th to June 1st for required timeframes

...”

Section II.

That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, superseded by this Ordinance.

Section III.

If any section, clause, paragraph, or provision of this ordinance shall be found invalid by a court of competent jurisdiction, such judgment shall not effect, impair, invalidate, or nullify the remainder of this ordinance, but only the part found to be invalid by such court.

Section IV.

This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form, as provided by law.

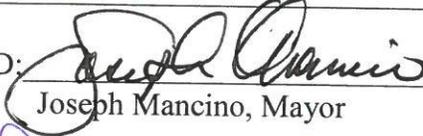
The foregoing Ordinance was passed by a roll call vote as follows:

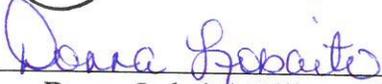
AYES: Kaiser, Kasik, Riess, Corrigan, Dimaggio, David

NAYS: 0

ABSTENTIONS: 0

ABSENT: 0

APPROVED: 
Joseph Mancino, Mayor

ATTEST: 
Donna Lobaito, Village Clerk

PASSED: December 13, 2017

APPROVED: December 13, 2017

PUBLISHED: December 15, 2017