

**COUNCIL LETTER
CITY OF GALESBURG
FEBRUARY 19, 2018**

AGENDA ITEM: Ordinance Establishing the City of Galesburg Rental Licensing Program.

SUMMARY RECOMMENDATION: The City Manager, Director of Planning and Public Works, Planning Manager and Fire Chief recommend approval of the Ordinance establishing the City of Galesburg Rental Licensing Program.

BACKGROUND: A comprehensive evaluation of the Rental Inspection and Licensing program was conducted by Planning staff. The first step of this evaluation included reviewing the current code, researching housing codes from other communities, and gathering input from city staff including Administration, Inspections, and Fire on areas where changes were needed. Based on this input, draft ordinance revisions were developed. The next step included forming an advisory committee, which included landlords, tenants, insurance agents, a realtor, a Council member, and various City staff including the Fire Marshall, Fire Chief, City Manager, City Attorney, and the Mayor. The advisory committee met four times to thoroughly review the proposed revisions. The first session explained the code and the process, the second and third sessions allowed feedback and the fourth presented modifications based upon their suggestions. The committee was comprised of 13 community members and additional city staff and administration members.

The current Rental Housing Inspection Ordinance, outside of the registration fee, was last updated in 1998 and 1999. Presently, all rental units must register each year for a \$15 per unit fee. Currently under the Department of Planning and Public Works, all new rental units are being inspected upon initial registration and all other rentals are inspected on a complaint basis.

This proposed ordinance provides the means to actively inspect rental units outside of tenant complaints. Tenants often refrain from filing a complaint for fear of eviction despite an unsafe living environment. Many communities across the nation and the State of Illinois are moving toward a proactive rental inspection process. This movement is the result of research, which demonstrates that safe housing improves the health and quality of life for residents, and prevents tragic deaths.

The Rental Inspection Ordinance provides changes to work in harmony with a proactive inspection program. The highlights of the proposed revisions include the following:

- All rental units will be inspected either by City staff or by self-inspection once every five years.
- All self-inspection qualified units, are still subject to complaint based and/or random inspections. Rental units that have uncorrected violations or are non-compliant do not qualify for self-inspection.
- The Housing Code Minimum standards will be utilized as the basis for the rental inspections.

- Rental Registrations will be revised to Rental Licensure. If Landlords are unresponsive to correcting deficiencies they will not be renewed when the license comes up for the annual renewal unless the deficiencies are corrected or an agreed upon corrective action plan is in place.
- Rental units, which will be vacant for more an annual renewal period, will not be required to be licensed if the owner submits a sworn statement affirming that fact.
- The License fee will stay at \$15 per rental unit, which is the same that it has been for the last eight years.

This ordinance proposes adding a purpose in harmony with the health and safety of all city residents, clarifying definitions and what constitutes a rental property, standardizing time elements in accountability and enforcement, converting rental registration to a rental license, adding an inspection classification system which includes self-inspections and random inspections by City Inspectors, and removing the long inactive Housing Board of Appeals. A work session was held with the City Council on June 26, 2017 to review the proposed changes and obtain feedback from Council members on the changes.

BUDGET IMPACT: None.

SUPPORTING DOCUMENTS:

1. Ordinance establishing the Rental Licensing Program
2. Ordinance Rental Housing Inspection Redline Version

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING THE CITY OF GALESBURG RENTAL LICENSING PROGRAM.

WHEREAS, the City of Galesburg is an Illinois home rule municipal corporation organized and operating pursuant to Article VII of the Illinois constitution of 1970; and

WHEREAS, the City has adopted certain housing regulations designed to protect the health, safety and welfare of the citizens of Galesburg, which are codified in Chapter 150 of the Galesburg City Code; and

WHEREAS, the City Council seeks to maintain strong and stable rental housing units; and

WHEREAS, the City Council seeks to correct and prevent rental dwelling conditions that adversely affect the life, safety and welfare of tenants or surrounding properties; and

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GALESBURG, ILLINOIS, AS FOLLOWS:

SECTION ONE: The foregoing recitals are hereby incorporated into this Ordinance as is fully set forth herein.

SECTION TWO: Section 150.225 is amended in its entirety and shall hereafter read as follows:

RENTAL LICENSING PROGRAM

150.225 INCORPORATION OF PREAMBLE.

The recitals set forth in the preamble to the ordinance from which this subchapter derives are hereby incorporated into this section and made a part of this subchapter in the same manner as if the recitals were set forth here in full. It is the purpose of the City of Galesburg Rental Licensing and Inspection Program adopted herein to assure that rental housing in the city is maintained in a good, safe, and sanitary condition and does not create a nuisance or blighted conditions to its surroundings, to ensure these conditions and to aid in the enforcement of the housing code and other relevant provisions of the City Code, the City Council hereby establishes this rental licensing and inspection program for all applicable residential rental units within the City.

SECTION THREE: Section 150.226 is amended in its entirety and shall hereafter read as follows:

150.226 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

LANDLORD. The legal title holder of a premises, as shown by the records of the County Recorder of Deeds Office, which has one or more rental units on it. If the legal title holder is a land trust, however, the **LANDLORD** shall mean the beneficial owner or owners of the land trust.

PERMANENT RESIDENT. Any person who occupies, or has the right to occupy, any rental unit for at least 30 consecutive days.

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

PREMISES. Any building, structure, lot, plot, tract, parcel of land or portion thereof, whether improved or unimproved, including adjacent parkways which may include a tract of land on which one or more rental units are located.

RENTAL UNIT. Each unit providing complete independent living facilities for one or more permanent residents, other than the owner, which has provisions for sleeping, eating, cooking and sanitation. All contract for deed properties shall be considered rental units.

TENANT. The person, or persons, renting a rental unit who is not the legal title holder of the unit.

SECTION FOUR: Section 150.227 is amended in its entirety and shall hereafter read as follows:

150.227 LICENSURE OF RENTAL UNITS.

(A) All rental units shall be licensed annually.

(B) A landlord shall apply for a rental license with the City Clerk for each premises upon which a rental unit exists, notwithstanding whether the rental unit is occupied or vacant. The application statement shall be prima facie evidence that the information in the statement is true.

(1) The application for license, at a minimum, shall include:

(a) The landlord's name, business address, e-mail address and telephone number. If the landlord is a partnership or corporation, the statement shall provide the name, business address, e-mail address and telephone number for all partners or officers. Further, if the landlord is a corporation, the statement shall include the name, business address, e-mail address and telephone number of the registered agent for the corporation;

(b) The name, business address, e-mail address and telephone number of the landlord's agent for the purpose of managing, controlling or collecting rent and the landlord's local agent as provided for in division (B) below;

(c) The street address and property index number of the premises, the number of rental units and the date on which the rental units were built; and

(d) The maximum number of occupants permitted by the landlord in each building containing rental units.

(2) For the purpose of this section, a post office box is not sufficient as an address.

(C) Each landlord shall have a local agent. The local agent shall be authorized by the landlord to receive notices of code violations and receive process in any court proceeding or administrative enforcement proceeding on behalf of the landlord in connection with the enforcement of this code. The local agent must maintain an office in this county or must actually reside in this county. The agent must be a person 21 years or older. A landlord who is a person, however, and who meets the requirements of this subchapter as to location of residence or office, may designate himself or herself as the local agent.

SECTION FIVE: Section 150.228 is amended in its entirety and shall hereafter read as follows:

150.228 TIME OF LICENSE APPLICATION.

(A) The license application shall be filed annually with the City Clerk. Upon application and payment of any applicable fee, the Clerk, or the Clerk's designee, shall issue a license to the landlord which shall certify that the landlord has licensed the premises. Each landlord shall pay a license fee of \$15 for each rental unit, per year, required to be licensed. The fee shall be waived if the unit is fully sprinklered and hard-wired detectors are located in the dwelling unit. Application shall be made between May 1 and May 31 for the following year. Any person who makes a license application more than 30 days after license expiration shall pay a sum of \$10 per unit in addition to the required license application fees, as a late charge.

(B) The landlord shall notify the City Clerk within ten business days of any change in the license application information by completing an amended application.

(C) It shall be the duty of any subsequent landlord of the premises to apply for a license for each rental unit as required under this subchapter within ten business days after the transfer of ownership.

(D) It is a violation of this subchapter for a person to submit, or cause to be submitted, false information on any license application form.

(E) No license shall be issued if the landlord owes any outstanding fines or fees to the City of Galesburg.

(F) No license shall be issued on a rental unit with outstanding housing minimum code violations as listed in Chapter 150 of this code.

(G) Commencing (effective date of updated code), any rental unit not previously registered or licensed with the City of Galesburg as a rental unit, shall not be rented or allow to be occupied without first having an inspection which meets minimum standards for the rental unit. The City will inspect the new rental unit within 10 business days of initial contact by the prospective landlord.

(H) It shall be unlawful for any person to misrepresent or falsify any information in order to obtain a rental license under this section including but not limited to the license application.

SECTION SIX: Section 150.229 is amended in its entirety and shall hereafter read as follows:

150.229 MINIMUM STANDARDS.

All rental units must meet certain minimum living standards for the safety and protection of the tenants. All rental units are hereby required to conform to the minimum standards outlined in Sections 150.150 and 150.165 through 150.170 of the Galesburg City Code which are hereby adopted and incorporated by reference. All rental units are required to conform to State and City code laws governing smoke and carbon monoxide detectors. Any landlord or person owning a rental unit which does not meet these standards is in violation of this subchapter.

SECTION SEVEN: Section 150.230 is amended in its entirety and shall hereafter read as follows:

150.230 INSPECTION OF PREMISES.

(A) Commencing on (date to be determined) every rental unit which is rented, or offered for rent, to permanent residents shall be inspected systematically for compliance with this subchapter and all other applicable laws. Any unit rented for any portion of the license year shall be required to be licensed annually.

(B) The provisions of this section do not apply to:

- (1) Owner-occupied single-family dwellings;
- (2) Dwellings, buildings or structures owned and operated by a nursing home facility, assisted living center, supportive living-facility, or similar use facility properly licensed by this state;

- (3) Dwellings, buildings or structures licensed and inspected by the state or federal government or local government agency, provided that the inspection is based upon criteria at least as strict as required hereunder and further provided that a copy of the inspection report is filed with the City Clerk;
- (4) Hotels, motels, bed and breakfast establishments and similar facilities that do not rent to permanent residents, or;
- (5) Residential buildings or dwelling units which will be vacant for the entirety of the annual license cycle. Any landlord attempting to exempt their property from rental licensure shall be required to submit a sworn statement affirming such a fact.

SECTION EIGHT: Section 150.231 is amended in its entirety and shall hereafter read as follows:

150.231 NOTICE OF INSPECTIONS.

(A) The inspection of rental units shall either be by consent or pursuant to an administrative warrant. If the appropriate consent has not been given to enter or inspect a rental unit, no entry or inspection shall be made without the procurement of a warrant. The Court may consider any of the following factors, along with any other matters that it deems relevant, in its decision as to whether a warrant shall issue:

- (1) Eyewitness account of violation;
- (2) Citizen complaints;
- (3) Tenant complaints;
- (4) Plain view violations;
- (5) Violations apparent from city records;
- (6) Property deterioration;
- (7) Age of property;
- (8) Nature of alleged violation; and
- (9) Conditions of similar properties in the area.

(B) Commencing on (date to be determined), all rental units shall be inspected at least once every five years either by the City or through Self Inspection. Notice of the date of inspection shall be mailed to the landlord and tenant 15 business days prior to the date of inspection. It is the responsibility of the landlord to confirm with the tenant of the inspection date and time.

(C) If a complaint is received regarding a rental unit, the city may inspect the premises regardless of the normal inspection schedule. The complainant must have direct knowledge of said violation stating facts and corroborating evidence.

(D) Nothing in this section shall prohibit the city from inspecting any rental unit more frequently than every five years.

(E) Access is required for each rental unit at the scheduled time of inspection or re-inspection. If the Inspector is unable to access the rental unit at the time of inspection, he or she may assess the landlord or his/her agent a \$25 missed inspection fee.

SECTION NINE: Section 150.232 is repealed in its entirety.

SECTION TEN: Section 150.233 is amended in its entirety and shall hereafter read as follows:

150.232 RESULTS OF INSPECTION.

(A) If a rental unit is in violation of any applicable law, the city shall mail a written report of the violation to the landlord within 10 business days of the inspection. The city shall allow the landlord not more than 30 business days to correct the violation(s). The report shall state a re-inspection date. A copy of the report will be available at City Hall. The landlord's failure to receive a copy of the report does not limit the city's right to enforce these requirements.

(B) After re-inspection(s), if the Inspector believes the landlord or his/her agent is not correcting the violations or allowing re-inspections, either by refusal or missed appointments, the Inspector may refer the violation(s) to the City's administrative adjudication process.

(C) If the Inspector determines that the violation poses a significant threat to the health, safety or welfare of the tenant(s) exists, the Inspector may determine the landlord or his/her agent shall correct the violation(s) after notice is given to the landlord or his/her agent.

(D) Time extension. The Department of Planning and Public Works may grant a 15 business day extension to the compliance deadline established in the violation notice if requested in writing and filed with the Department of Planning and Public Works by the responsible party before the re-inspection date.

SECTION ELEVEN: That Section 150.233 of the Galesburg City Code is hereby created and shall hereafter read as follows:

150. 233 INSPECTION CLASSIFICATION

Previously registered rental property which currently do not have any outstanding violations shall be classified as self inspection and shall initiate self inspection of rental

units at the effective date of this ordinance in compliance with 150.233 A. Landlords with more than 10 units shall have until May 1, 2019 to comply with self inspection on rental units. Upon completion of a rental unit's initial City inspection, the property shall be classified by the Inspector according to the classification system set forth herein. All rental units not registered prior to May 1, 2017 shall be inspected by the City prior to being licensed and will be classified by the Inspector according to the classifications in 150.233. Any Property may be considered for reclassification at each subsequent inspection.

(A) Self Inspection.

(1) Rental unit has no violations or violations corrected in a reasonable manner and timeframe. Rental unit referred to self-inspection as outlined herein. Rental units eligible for self-inspection shall have a self-inspection form supplied by the City, filled out and signed by the landlord or his/her agent, and the tenant at least once every five years. Both landlord or his/her agent and the tenant must be present for the on-site inspection. If rental unit is unoccupied, tenant presence is not required. This form must be presented at the time of annual application of license with the City on the years in which a self-inspection is required.

(2) Self inspected rental units may be randomly verified through inspection by the City Inspector to ensure compliance.

(B) City Inspection. Rental unit has uncorrected violations that do not pose a life safety risk or landlord or his/her agent has two or more missed inspections without cause. Inspections may occur as frequently as every year thereafter.

(C) City Inspection – noncompliant. Rental unit has uncorrected violations which pose life and safety hazards to occupants or surrounding units and/or vicinity or the landlord or his/her agent is uncooperative with seeking violation remedies. Revocation of license may be a result of this classification.

(D) It shall be unlawful for any person to misrepresent or falsify any information under this section including but not limited to information on the self-inspection form.

SECTION TWELVE: Section 150.234 is repealed in its entirety.

SECTION THIRTEEN: Section 150.235 is repealed in its entirety.

SECTION FOURTEEN: Section 150.236 is repealed in its entirety.

SECTION FIFTEEN: Section 150.237 is repealed in its entirety.

SECTION SIXTEEN: Section 150.239 is repealed in its entirety.

SECTION SEVENTEEN: Section 150.999 is amended in its entirety and shall hereafter read as follows:

150.999 PENALTY.

Any person violating §§ 150.001 through 150.235 shall, upon conviction, be fined not less than \$50 nor more than \$1,000 for each day the violation exists, provided, however, the intentional submission of false information on a registration statement, or amended registration statement, filed pursuant to this subchapter shall be a violation punishable by a fine of not less than \$150 nor more than \$1,000. Additionally, the City Attorney shall be authorized to seek any legal or equitable remedies he/she deems necessary to enforce Sections 150.001 through 150.235.

Approved this ____ day of _____, 20____, by a roll call vote as follows:

Roll Call #:

Ayes:

Nays:

Absent:

John Pritchard, Mayor

ATTEST:

Kelli R. Bennewitz, City Clerk

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING THE CITY OF GALESBURG RENTAL LICENSING PROGRAM.

WHEREAS, the City of Galesburg is an Illinois home rule municipal corporation organized and operating pursuant to Article VII of the Illinois constitution of 1970; and

WHEREAS, the City has adopted certain housing regulations designed to protect the health, safety and welfare of the citizens of Galesburg, which are codified in Chapter 150 of the Galesburg City Code; and

WHEREAS, the City Council seeks to maintain strong and stable rental housing units; and

WHEREAS, the City Council seeks to correct and prevent rental dwelling conditions that adversely affect the life, safety and welfare of tenants or surrounding properties; and

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GALESBURG, ILLINOIS, AS FOLLOWS:

SECTION ONE: The foregoing recitals are hereby incorporated into this Ordinance as is fully set forth herein.

SECTION TWO: Section 150.225 is amended in its entirety and shall hereafter read as follows:

RENTAL LICENSING PROGRAM HOUSING INSPECTION

150.225 INCORPORATION OF PREAMBLE.

The recitals set forth in the preamble to the ordinance from which this subchapter derives are hereby incorporated into this section and made a part of this subchapter in the same manner as if the recitals were set forth here in full. It is the purpose of the City of Galesburg Rental Licensing and Inspection Program adopted herein to assure that rental housing in the city is maintained in a good, safe, and sanitary condition and does not create a nuisance or blighted conditions to its surroundings, to ensure these conditions and to aid in the enforcement of the housing code and other relevant provisions of the City Code, the City Council hereby establishes this rental licensing and inspection program for all applicable residential rental units within the City.

SECTION THREE: Section 150.226 is amended in its entirety and shall hereafter read as follows:

150.226 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

LANDLORD. The legal title holder of a premises, as shown by the records of the County Recorder of Deeds Office, which has one or more rental units on it. If the legal title holder is a land trust, however, the **LANDLORD** shall mean the beneficial owner or owners of the land trust.

PERMANENT RESIDENT. Any person who occupies, or has the right to occupy, any rental unit for at least 30 consecutive days.

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

PREMISES. Any building, structure, lot, plot, tract, parcel of land or portion thereof, whether improved or unimproved, including adjacent parkways which may include a ~~A~~ tract of land on which one or more rental units are located.

RENTAL UNIT. Each unit providing complete independent living facilities for one or more permanent residents, other than the owner, which has provisions for sleeping, eating, cooking and sanitation. All contract for deed properties shall be considered rental units.

TENANT. The person, or persons, renting a rental unit who is not the legal title holder of the unit.

SECTION FOUR: Section 150.227 is amended in its entirety and shall hereafter read as follows:

150.227 ~~REGISTRATION~~ LICENSEURE OF RENTAL UNITS ~~OF LANDLORDS.~~

(A) All rental units shall be licensed annually.

~~(A)~~ (B) A landlord shall apply for a rental license ~~file a registration statement~~ with the City Clerk for each premises upon which a rental unit exists, notwithstanding whether the rental unit is occupied or vacant. The application ~~registration~~ statement shall be prima facie evidence that the information in the statement is true.

(1) The application for license ~~registration statement~~, at a minimum, shall include:

(a) The landlord's name, business address, e-mail address and telephone number. If the landlord is a partnership or corporation, the statement shall provide the name, business address, e-mail address and telephone number for all partners or officers. Further, if the landlord is a corporation, the statement shall include the name, business address, e-mail address and telephone number of the registered agent for the corporation;

(b) The name, business address, e-mail address and telephone number of the landlord's agent for the purpose of managing, controlling or collecting rent and the landlord's local agent as provided for in division (B) below;

~~(c) The name, business address and telephone number of each lending institution, or party holding a mortgage, on the premises;~~

(~~c~~d) The street address and property index number of the premises, the number of rental units and the date on which the rental units were built; and

(~~d~~e) The maximum number of occupants permitted by the landlord in each building containing rental units.

(2) For the purpose of this section, a post office box is not sufficient as an address.

(~~B~~C) Each landlord shall have a local agent. The local agent shall be authorized by the landlord to receive notices of code violations and receive process in any court proceeding or administrative enforcement proceeding on behalf of the landlord in connection with the enforcement of this code. The local agent must maintain an office in this county or must actually reside in this county. The agent must be a ~~natural~~ person 21 years or older. A landlord who is a ~~natural~~ person, however, and who meets the requirements of this subchapter as to location of residence or office, may designate himself or herself as the local agent.

SECTION FIVE: Section 150.228 is amended in its entirety and shall hereafter read as follows:

150.228 TIME OF LICENSE APPLICATION REGISTRATION.

(A) The license application ~~registration statement~~ shall be filed annually with the City Clerk. Upon ~~registration~~ application and payment of any applicable fee, the Clerk, or the Clerk's designee, shall issue a license ~~certificate of registration~~ to the landlord which shall certify that the landlord has ~~registered~~ licensed the premises. Each landlord shall pay a license fee of \$15 for each rental unit, per year, required to be licensed. The fee shall be waived if the unit is fully sprinklered and hard-wired detectors are located in the dwelling unit. Application ~~Registration~~ shall be made between May 1 and May 31 for the following year. Any person who makes a ~~registration~~ license application more than 30 days after license expiration shall pay a sum of \$~~5~~10 per unit in addition to the required license application ~~registration~~ fees, as a late charge.

(B) The landlord shall notify the City Clerk within ten business days of any change in the license application ~~registration~~ information by completing an amended application ~~registration statement~~.

(C) It shall be the duty of any subsequent landlord of the premises to apply for a license ~~register it~~ for each rental unit as required under this subchapter within ten business days after the transfer of ownership.

(D) It is a violation of this subchapter for a person to submit, or cause to be submitted, false information on any license application ~~registration~~ form.

(E) No license shall be issued if the landlord owes any outstanding fines or fees to the City of Galesburg.

(F) No license shall be issued on a rental unit with outstanding housing minimum code violations as listed in Chapter 150 of this code.

(G) Commencing (effective date of updated code), any rental unit not previously registered or licensed with the City of Galesburg as a rental unit, shall not be rented or allow to be occupied without first having an inspection which meets minimum standards for the rental unit. The City will inspect the new rental unit within 10 business days of initial contact by the prospective landlord.

(H) It shall be unlawful for any person to misrepresent or falsify any information in order to obtain a rental license under this section including but not limited to the license application.

SECTION SIX: Section 150.229 is amended in its entirety and shall hereafter read as follows:

150.229 MINIMUM STANDARDS.

~~All rental units must meet certain minimum living standards for the safety and protection of the tenants. All rental units are hereby required to meet the International Fire Code ("F") and the current National Fire Protection Association ("NFPA") Standards. They are hereby adopted and incorporated by reference. A copy of the Code and Standards shall be on file with the Fire Chief. Inspections shall be made by using a standard fire safety inspection form. A copy of the form, which may be changed from time to time, is on file in appropriate city offices. Any landlord, or person, owning a rental unit which does not meet the code and standards referred to above, is in violation of this subchapter.~~

All rental units must meet certain minimum living standards for the safety and protection of the tenants. All rental units are hereby required to conform to the minimum standards outlined in Sections 150.150 and 150.165 through 150.170 of the Galesburg City Code which are hereby adopted and incorporated by reference. All rental units are required to conform to State and City code laws governing smoke and carbon monoxide detectors. Any landlord or person owning a rental unit which does not meet these standards is in violation of this subchapter.

SECTION SEVEN: Section 150.230 is amended in its entirety and shall hereafter read as follows:

150.230 INSPECTION OF PREMISES.

(A) Commencing on (date to be determined) ~~April 1, 1999~~, every rental unit which is rented, or offered for rent, to permanent residents shall be inspected systematically for compliance with this subchapter and all other applicable laws. Any unit rented for any portion of the license year shall be required to be licensed annually.

(B) The provisions of this section do not apply to:

- (1) Owner-occupied single-family dwellings;
- (2) Dwellings, buildings or structures owned and operated by a nursing home facility, assisted living center, supportive living-facility, or similar use facility properly licensed by this state;
- (3) Dwellings, buildings or structures licensed and inspected by the state or federal government or local government agency, provided that the inspection is based upon criteria at least as strict as required hereunder and further provided that a copy of the inspection report is filed with the City Clerk; ~~or~~
- (4) Hotels, motels, bed and breakfast establishments and similar facilities that do not rent to permanent residents, or;
- (5) Residential buildings or dwelling units which will be vacant for the entirety of the annual license cycle. Any landlord attempting to exempt their property from rental licensure shall be required to submit a sworn statement affirming such a fact.

SECTION EIGHT: Section 150.231 is amended in its entirety and shall hereafter read as follows:

150.231 NOTICE OF INSPECTIONS.

(A) The inspection of rental units shall either be by consent or pursuant to an administrative warrant. If the appropriate consent has not been given to enter or inspect a rental unit, no entry or inspection shall be made without the procurement of a warrant ~~from the Circuit Court of this county~~. The Court may consider any of the following factors, along with any other matters that it deems relevant, in its decision as to whether a warrant shall issue:

- (1) Eyewitness account of violation;
- (2) Citizen complaints;
- (3) Tenant complaints;
- (4) Plain view violations;

- (5) Violations apparent from city records;
- (6) Property deterioration;
- (7) Age of property;
- (8) Nature of alleged violation; and
- (9) Conditions of similar properties in the area.

(B) Commencing on ~~(date to be determined)~~ April 1, 1999, all rental units shall be inspected at least once every five years either by the City or through Self Inspection. Notice of the date of inspection shall be mailed to the landlord and tenant ~~30~~ 15 business days prior to the date of inspection. It is the responsibility of the landlord to confirm with the tenant of the inspection date and time.

(C) If a complaint is received regarding a rental unit, ~~however,~~ the city may inspect the premises regardless of the normal inspection schedule. ~~The Inspector will send even though it may, or may not, have already been inspected.~~ The complainant must have direct knowledge of said violation stating facts and corroborating evidence.

(D) Nothing in this section shall prohibit the city from inspecting any rental unit more frequently ~~then~~ than every five years.

(E) Access is required for each rental unit at the scheduled time of inspection or re-inspection. If the Inspector is unable to access the rental unit at the time of inspection, he or she may assess the landlord or his/her agent a \$25 missed inspection fee.

SECTION NINE: Section 150.232 is repealed in its entirety.

~~150.232 INSPECTION CERTIFICATE REQUIRED.~~

~~No person shall rent, or allow to be occupied, a rental unit without first having a valid certificate of inspection for the rental unit; provided, however, proof of registration of the rental unit shall authorize the landlord to rent a rental unit until an inspection is performed.~~

~~(1990 Code, § 6-421) (Ord. 98-1875, passed 12-21-1998) Penalty, see § 150.999~~

SECTION TEN: Section 150.233 is amended in its entirety and shall hereafter read as follows:

150.233 2 RESULTS OF INSPECTION.

~~(A) The city shall issue a certificate of inspection to a landlord if, after inspection, the rental unit meets applicable law.~~

~~(A)(B)~~ If a rental unit is in violation of any applicable law, the city shall mail a written report of the violation to the landlord within ~~24~~ 10 business days of the inspection. The city shall allow the landlord ~~24~~ not more than 30 business days to correct the violation(s).

The report shall state a re-inspection date. A copy of the report will be available at City Hall. The landlord's failure to receive a copy of the report does not limit the city's right to enforce these requirements.

(B) ~~(C)~~ After re-inspection(s), if the Inspector believes the landlord or his/her agent is not correcting the violations or allowing re-inspections, either by refusal or missed appointments, the Inspector may refer the violation(s) to the City's administrative adjudication process. The city shall issue a certificate of inspection if the violations are corrected. If the violations are not corrected, a certificate of inspection shall not issue and the city may take whatever action is necessary to enforce compliance with the applicable laws.

(C) If the Inspector determines that the violation poses a significant threat to the health, safety or welfare of the tenant(s) exists, the Inspector may determine the landlord or his/her agent shall correct the violation(s) after notice is given to the landlord or his/her agent.

(D) Time extension. The Department of Planning and Public Works may grant a 15 business day extension to the compliance deadline established in the violation notice if requested in writing and filed with the Department of Planning and Public Works by the responsible party before the re-inspection date.

SECTION ELEVEN: That Section 150.233 of the Galesburg City Code is hereby created and shall hereafter read as follows:

150. 233 INSPECTION CLASSIFICATION

Previously registered rental property which currently do not have any outstanding violations shall be classified as self inspection and shall initiate self inspection of rental units at the effective date of this ordinance in compliance with 150.233 A. Landlords with more than 10 units shall have until May 1, 2019 to comply with self inspection on rental units. Upon completion of a rental unit's initial City inspection, the property shall be classified by the Inspector according to the classification system set forth herein. All rental units not registered prior to May 1, 2017 shall be inspected by the City prior to being licensed and will be classified by the Inspector according to the classifications in 150.233. Any Property may be considered for reclassification at each subsequent inspection.

(A)Self Inspection.

(1)Rental unit has no violations or violations corrected in a reasonable manner and timeframe. Rental unit referred to self-inspection as outlined herein. Rental units eligible for self-inspection shall have a self-inspection form supplied by the City, filled out and signed by the landlord or his/her agent, and the tenant at least once every five years. Both landlord or his/her agent and the tenant must be present for the on-site inspection. If rental unit is unoccupied, tenant presence is not required. This form must be presented at the time of annual application of

license with the City on the years in which a self-inspection is required.

(2) Self inspected rental units may be randomly verified through inspection by the City Inspector to ensure compliance.

(B) City Inspection. Rental unit has uncorrected violations that do not pose a life safety risk or landlord or his/her agent has two or more missed inspections without cause. Inspections may occur as frequently as every year thereafter.

(C) City Inspection – noncompliant. Rental unit has uncorrected violations which pose life and safety hazards to occupants or surrounding units and/or vicinity or the landlord or his/her agent is uncooperative with seeking violation remedies. Revocation of license may be a result of this classification.

(D) It shall be unlawful for any person to misrepresent or falsify any information under this section including but not limited to information on the self-inspection form.

SECTION TWELVE: Section 150.234 is repealed in its entirety.

~~150.234 EXPIRATION OF CERTIFICATE.~~

~~A certificate of inspection shall expire five years from the date of its issuance; provided, however, that if a reinspection of the premises has not been completed prior to the expiration of the certificate of inspection, the rental unit may continue to be rented until the reinspection is completed.~~

~~(1990 Code, § 6-423) (Ord. 98-1875, passed 12-21-1998)~~

SECTION THIRTEEN: Section 150.235 is repealed in its entirety.

~~150.235 TRANSFERABILITY OF CERTIFICATE.~~

~~A certificate of inspection may be transferred to a succeeding landlord; provided, however, that the new landlord's failure to register a premises as required by this subchapter may result in the suspension or revocation of the certificate of inspection.~~

~~(1990 Code, § 6-424) (Ord. 98-1875, passed 12-21-1998)~~

SECTION FOURTEEN: Section 150.236 is repealed in its entirety.

~~150.236 DISPLAY OF CERTIFICATE.~~

~~A landlord shall produce a current certificate of inspection upon request by a tenant or prospective tenant.~~

~~(1990 Code, § 6-425) (Ord. 98-1875, passed 12-21-1998)~~

SECTION FIFTEEN: Section 150.237 is repealed in its entirety.

~~150.237 HOUSING BOARD OF APPEALS.~~

~~(A) A Housing Board of Appeals (hereinafter called "Board") is created.~~

~~(B) The Board shall consist of seven members appointed by the Mayor with the approval of the City Council. The Mayor shall appoint one of the members to serve as chairperson. All members shall be residents of the city. In addition, it shall consist of:~~

- ~~(1) Two members who are owners of rental property located within the city;~~
- ~~(2) Two members who are tenants in rental units located within the city;~~
- ~~(3) One building contractor; and~~
- ~~(4) Two members of the general public.~~

~~(C) Members shall be appointed to serve initial terms on the Board as follows:~~

- ~~(1) Three members shall be appointed to serve for a term of one year;~~
- ~~(2) Two members shall be appointed to serve for a term of two years; and~~
- ~~(3) Two members shall be appointed to serve for a term of three years.~~

~~(D) After the initial term has been served by a member, all successive members to the Board shall be appointed to serve for three year periods each. Vacancies upon the Board shall be filled for the unexpired term of the member whose place has become vacant in the manner herein provided for the appointment of the members.~~

~~(E) All meetings of the Board shall be held at the call of the chairperson and at any other times as the Board may determine. All hearings conducted by the Board shall be open to the public. The Board shall keep minutes of its proceedings and a record of its votes. The minutes shall be on file with the City Clerk. The Board shall adopt its own rules of procedure.~~

~~(F) The Board is authorized to:~~

- ~~(1) Hear any appeal filed by any person aggrieved by the decision of any city official pertaining to the terms and conditions of this subchapter;~~
- ~~(2) Review and recommend to the City Council changes in the rental housing inspection program requirements; and~~
- ~~(3) Suspend, or revoke, a certificate of registration if the Board finds, after notice and a hearing, that a landlord is in violation of this subchapter.~~

~~(1990 Code, § 6-426) (Ord. 98-1875, passed 12-21-1998)~~

SECTION SIXTEEN: Section 150.239 is repealed in its entirety.

~~150.239 REGISTRATION FEE.~~

~~Each landlord shall pay a registration fee of \$15 for each rental unit, per year, required to be registered under this subchapter, if fully sprinklered and hard-wired detectors in the dwelling.~~

~~(1990 Code, § 6-428) (Ord. 98-1875, passed 12-21-1998; Ord. 05-3106, passed 12-19-2005; Ord. 09-3263, passed 11-2-2009; Ord. 14-3465, passed 11-17-2014)~~

SECTION SEVENTEEN: Section 150.999 is amended in its entirety and shall hereafter read as follows:

150.999 PENALTY.

~~(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.~~

~~(B) Any person violating, disobeying, neglecting or refusing to comply with any of the regulations or provisions of §§ 150.035 through 150.044 shall be fined not less than \$50 for each offense.~~

~~(1990 Code, § 6-88)~~

~~(C) Any person violating, disobeying, neglecting or refusing to comply with any of the regulations or provisions of §§ 150.061 through 150.067 shall be fined not less than \$50 for each offense.~~

~~(1990 Code, § 6-88)~~

~~(D) Any person violating any provision of §§ 150.180 through 150.191 shall, upon conviction thereof, be fined not less than \$100.~~

~~(1990 Code, § 6-307)~~

~~(E)~~ Any person violating §§ 150.001 through 150.239 shall, upon conviction, be fined not less than \$50 nor more than \$1,000 for each day the violation exists, provided, however, the intentional submission of false information on a registration statement, or amended registration statement, filed pursuant to this subchapter shall be a violation punishable by a fine of not less than \$150 nor more than \$1,000. Additionally, the City Attorney shall be authorized to seek any legal or equitable remedies he/she deems necessary to enforce Sections 150.001 through 150.235.

**COUNCIL LETTER
CITY OF GALESBURG
FEBRUARY 19, 2018**

AGENDA ITEM: Ordinance Establishing Minimum Housing Standards.

SUMMARY RECOMMENDATION: The City Manager, Director of Planning and Public Works, Planning Manager and Fire Chief recommend approval of the Ordinance Establishing Minimum Housing Standards.

BACKGROUND: The Housing Minimum Standards for the City of Galesburg have not been updated since 1969. Since that time, fire prevention and community practices have changed to improve safety, health and basic quality of life standards for residents. Research has shown that people today have 3 to 4 minutes to escape a dwelling before fire flash over occurs, whereas this was 17 minutes 40 years ago. This is due to the overwhelming use of synthetic materials in home furniture and furnishings today.

Research was conducted on housing codes from other communities, input was received from staff, Administration and the Fire Department. Suggested changes were presented and reviewed through a series of meetings with the Rental Advisory Committee, which was comprised of tenants, landlords, insurance agents, Knox County Housing Authority and Carver Center. Feedback from the committee was incorporated into the attached ordinance.

This ordinance proposes definition changes for safety exits, standardizing the time elements in accountability and enforcement, simplifying the explanations for lighting, ventilation and window needs, and providing adequate fire safety exits for all dwellings.

The proposed Housing Minimum Standards ordinance would apply to all owner occupied and rental dwellings in the City of Galesburg. A work session was held with the City Council on June 26, 2017 to review the proposed changes and obtain feedback from Council members on the changes.

BUDGET IMPACT: None.

SUPPORTING DOCUMENTS:

1. Ordinance establishing Minimum Housing Standards
2. Ordinance Minimum Housing Standards redline version

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING MINIMUM HOUSING STANDARDS.

WHEREAS, the City of Galesburg is an Illinois home rule municipal corporation organized and operating pursuant to Article VII of the Illinois constitution of 1970; and

WHEREAS, the City has adopted certain housing regulations designed to protect the health, safety and welfare of the citizens of Galesburg, which are codified in Chapter 150 of the Galesburg City Code; and

WHEREAS, the Mayor and City Council find that amendment of the minimum housing standards is in the best interests of the health, safety, and welfare of its residents.

WHEREAS, the City Council finds that housing which does not meet certain minimum standards endangers the health of its occupants and can harm the value of surrounding properties; and

WHEREAS, the City Council finds that housing which does not meet certain minimum standards is more likely to require nuisance abatement or demolition by the City of Galesburg; and

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GALESBURG, ILLINOIS, AS FOLLOWS:

SECTION ONE: The foregoing recitals are hereby incorporated into this Ordinance as is fully set forth herein.

SECTION TWO: Section 150.150 of the Galesburg City Code is amended in its entirety, and shall hereafter read as follows:

Housing Code Generally; Administration and Enforcement

150.150 DEFINITIONS

(A) *Meaning of certain words.* When the words “dwelling,” “dwelling unit,” “roominghouse” and “premises” are used in this subchapter, they shall be construed as though they were followed by the words “or any part thereof.”

(B) *Definitions.* For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS DAY. Any day in which normal business is conducted. This is Monday through Friday from 8am to 5pm and excludes Saturday, Sunday and any holiday in which the City Hall of the City of Galesburg is closed.

DWELLING. Any building which is wholly or partly used or intended to be used for living or sleeping by human occupants.

DWELLING UNIT. Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

EXTERMINATION. 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.

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

HABITABLE ROOM. A room or enclosed floor space used for or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, corridors, closets, storage spaces or stairways.

INFESTATION. The presence of an unusually large number of any insects, rodents or other pest, within or around a dwelling.

INSPECTION DIVISION. The Department of Planning and Public Works.

MULTIPLE DWELLING. Any dwelling containing more than two dwelling units.

OCCUPANT. Any person living, sleeping, cooking or eating in, or having actual possession of a dwelling unit or rooming unit.

OPERATOR. Any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.

OWNER.

(a) Any person who, alone or jointly or severally with others:

1. Shall have legal or equitable title to any dwelling or dwelling unit, with or without actual possession thereof; or
2. Shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner.

(b) Any person thus representing the actual **OWNER** shall be bound to comply with the provisions of this subchapter and of rules and regulations adopted pursuant thereto, to the same extent as if he or she were the **OWNER**.

PLUMBING. Includes all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-

washing machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

PREMISES. Any building, structure, lot, plot, tract, parcel of land or portion thereof, whether improved or unimproved, including adjacent parkways.

PRIMARY MEANS OF ESCAPE. Shall be a door, stairway, or ramp providing a means of unobstructed travel to the outside of the dwelling unit at street or ground level.

ROOMINGHOUSE. Any dwelling or that part of any dwelling containing one or more rooming units, in which space is let for compensation by the owner or operator to three or more persons who are not husband or wife, son or daughter, mother or father, sister or brother, grandparents, grandchildren, niece or nephew or domestic employees (not to exceed two in number) of the owner or operator.

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

RUBBISH. Combustible and noncombustible waste materials, except garbage.

SECONDARY MEANS OF ESCAPE. Shall be a door, stairway, passage, or hall providing a way of unobstructed travel to the outside of the dwelling at street or ground level that is independent of and remote from the primary means of escape. Or it shall be an outside window or door operable from the inside without the use of tools, keys, or special effort of a size original to the construction of the dwelling.

SUPPLIED. Paid for, furnished or provided by or under the control of, the owner or operator.

SECTION THREE: Section 150.151 of the Galesburg City Code is amended in its entirety, and shall hereafter read as follows:

150.151 INSPECTION OF DWELLINGS, DWELLING UNITS, ROOMING UNITS AND PREMISES.

(A) The Department of Planning and Public Works is hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units, rooming units and premises located within the city in order that it may perform its duty of protecting the health and safety of the occupants of dwellings and of the general public. For the purpose of making these inspections the Department of Planning and Public Works is hereby authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units and premises located in the city; provided, however, that the Department shall first give notice in writing to the occupant of the dwelling, dwelling unit, rooming unit or premises if the same be occupied, and to the owner thereof, of the intent to inspect the dwelling, dwelling unit, rooming unit or premises. This notice shall be given or mailed to the occupant, if the dwelling, dwelling unit, rooming unit or premises is occupied, and to the owner, at least 15 business days prior to the time of the inspection, which notice to include the day, date and approximate time of the inspection. A notice mailed to the last known address of the person to whom the notice is addressed

shall be sufficient to comply with this section. The City has the right to inspect a dwelling unit, rooming unit or premises with less than 15 business days' notice if the violation(s) pose an imminent danger to the life, health or safety of the occupants of the building or surrounding buildings/areas as determined by the City Manager or his/her designee. The owner shall be notified, by phone or US Mail depending on the severity of the violation, of the City Manager or his/her designee's decision to have an unscheduled inspection at the time of decision to make an unscheduled inspection.

(B) The owner or occupant of every dwelling, dwelling unit, rooming unit and premises, or the person in charge thereof, shall give the Inspector free access to the dwelling, dwelling unit, rooming unit and premises at all reasonable times for the purpose of inspection of the premises, examination and survey, but is required to do so only if the requisites of notice as prescribed in division (A) above have been fully complied with by the Inspector; and further only if the Inspector presents proper credentials at the time he or she appears to make the inspection. No penalty shall be imposed for violation of this division (B).

SECTION FOUR: Section 150.153 is amended in its entirety and shall hereafter read as follows:

150.153 ENFORCEMENT, SERVICE OF NOTICE AND ORDERS.

(A) Whenever the Inspector determines that there are reasonable grounds to believe that there has been a violation pursuant to this subchapter, he or she shall give notice of the alleged violation to the owner responsible therefor, as hereinafter provided.

(B) The notice shall:

- (1) Be in writing;
- (2) Include a statement of any alleged violations;
- (3) The City shall allow the owner and/or landlord not more than 30 business days to correct the violation(s). The report shall state a re-inspection date. A copy of the report will be available at City Hall. The owner's and/or landlord's failure to receive a copy of the report does not limit the city's right to enforce these requirements.
- (4) Be served upon the owner or his or her agent within 10 business days of the inspection, and the occupant if he or she is not the owner, as the case may require; provided, that the notice shall be deemed to be properly served upon the owner or agent or upon the occupant, if a copy thereof is served upon him or her personally, or is sent by registered mail to his or her last known address, or is posted in a conspicuous place in or about the dwelling affected by the action.

(C) The notice may contain an outline of remedial action which, if taken, will affect compliance with the provisions of this subchapter and with rules and regulations adopted pursuant thereto.

(D) Time extension. The Department may grant an reasonable time extension to the compliance deadline established in the violation notice if requested in writing and filed with the Department of Planning and Public Works by the responsible party before the re-inspection date.

SECTION FIVE: Section 150.154 is amended in its entirety and shall hereafter read as follows:

150.154 VARIANCES AND APPEALS.

(A) The Overall Code Review Commission as established in Ordinance 80-707 shall hereby be authorized to hear and decide on all requests for variances of the requirements of this subchapter. Furthermore, the Overall Code Review Commission is authorized to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the inspections office in the enforcement of this subchapter.

(B) Any person aggrieved may take an appeal to the Overall Code Review Commission from any decision or notice given by the Inspector issued pursuant to the provisions of this subchapter.

(C) An appeal may be taken within 15 business days from the date of the decision appealed from by filing with the Inspector and with the Overall Code Review Commission a notice of appeal, specifying the grounds thereof. The Inspector shall forthwith transmit to the Overall Code Review Commission all the papers upon which the action appealed was taken

(D) The Overall Code Review Commission shall, in every case, hold a hearing and reach a decision without unreasonable or unnecessary delay. Every decision of the Overall Code Review Commission shall be in writing and shall be promptly filed in the office of the Inspector. A copy of the decision shall be sent by mail or otherwise to the person appealing, and to all members of the City Council. All decisions shall require an affirmative vote of a majority of the quorum then present of the Overall Code Review Commission. If a decision of the Overall Code Review Commission reverses the order of the Inspector, he or she shall take action immediately in accordance with the decision.

(E) The Overall Code Review Commission, when so appealed to, and after a public hearing, may vary the application of any provision of this subchapter to any particular case when, in its opinion, the enforcement thereof would result in practical difficulty or unnecessary hardship; provided, that the spirit of this subchapter will be observed, public health and welfare secured, and substantial justice done. The Overall Code Review Commission may also extend for a reasonable period the time specified for compliance where conditions exist that would create a hardship, and that the extension will not create or continue a health hazard to surrounding territory.

(F) A decision of the Overall Code Review Commission to vary the application of any provision of this subchapter, or to modify an order of the Inspector, shall specify in what manner the variation or modification is made, the conditions upon which it is made and the reasons therefor.

(G) The proceedings at the hearings, including the findings and decisions of the Overall Code Review Commission and the reasons therefor shall be summarized and reduced to writing and entered as a matter of public record in the office of the Inspector. The record shall also include a copy of every notice and order issued in connection with the matter. Any person aggrieved by a decision of the Overall Code Review Commission may, within 10 business days of the receipt of notice of the decision, file a request in writing with the Inspector that he or she transmit a copy of the Overall Code Review Commission's findings and decision to the City Council, which the Inspector shall do forthwith. The report shall act as the recommendation of the Overall Code Review Commission to the City Council; and the Council may concur with, reject or modify the recommendation. In the event no written notice is filed with the Inspector within the time above specified, the decision of the Overall Code Review Commission shall be final.

SECTION SIX: Section 150.155 is amended in its entirety and shall hereafter read as follows:

150.155 DESIGNATION OF DWELLINGS AND DWELLING UNITS AS UNFIT FOR HUMAN HABITATION.

(A) The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the determination and placarding of the unfit dwellings or dwelling units shall be carried out in compliance with the requirements of this section.

(B) Any dwelling or dwelling unit which fails to meet the requirements of §§ 150.165, 150.166, 150.167 and 150.168, or any of them to the extent that health, safety and welfare of occupants or adjacent occupants or properties is at risk of health or harm such as the structure is unsafe, unlawful or, because of the degree to which the building is in disrepair or lacks maintenance, is unsanitary, 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 building or to the public, hereof, may be declared to be unfit for human habitation and may be so designated and placarded by the the City Manager or his/her designee.

(C) Any dwelling or dwelling unit determined as unfit for human habitation, and so designated and placarded by the the City Manager or his/her designee, shall be vacated within a reasonable period, not to exceed 5 business days as ordered by the the City Manager or his/her designee.

(D) No dwelling or dwelling unit which has been determined and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from and the placard is removed by the Inspector who shall remove the placard only when the defect or defects upon which the determination and placarding action were based have been eliminated, and after the dwelling or dwelling unit has been inspected and been found to comply in all respects with the requirements of this subchapter.

(E) No person shall deface or remove the placard from any dwelling or dwelling unit which has been determined and placarded as such, except as provided in division (D) above.

(F) An owner may file a written appeal of this designation with the City Clerk's office. This appeal shall be filed within 5 business days of placarding of the building. Appeals shall be heard by the City's administrative hearing officer at the next regularly scheduled administrative court date.

HOUSING CODE MINIMUM STANDARDS

SECTION SEVEN: Section 150.165 is amended in its entirety and shall hereafter read as follows:

150.165 BASIC EQUIPMENT AND FACILITIES.

(A) No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking or eating therein, which does not comply with the minimum requirements of this section.

(B) Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to a water and sewer system, meeting the requirements of the State Department of Public Health.

(C) Every dwelling unit (except as otherwise permitted under division (E) of this section) shall contain a room which affords privacy to a person within the room and which is equipped with a flush water closet and lavatory basin in good working condition and properly connected to a water and sewer system meeting the requirements of the State Department of Public Health.

(D) Every dwelling unit (except as otherwise permitted under division (E) of this section) shall contain, within a room which affords privacy to a person within the room, bathing facilities; the room may be the same room as required under division (C).

(E) The occupants of not more than one dwelling unit may share a single flush water closet, a single lavatory basin and bathtub or shower. The water closet, lavatory basin and bathtub or shower shall be in good working condition and properly connected to a water and sewer system meeting the requirements of the State Department of Public Health.

(F) Every dwelling unit shall be supplied with adequate rubbish and garbage disposal facilities or storage containers with tight-fitting lids or covers adequate to prevent access to the garbage and rubbish by insects, rodents or other pests.

(G) Every dwelling unit shall have safe, unobstructed means of egress leading to a safe and open space at ground level as required by the laws of this state and the city.

(H) In dwelling unit(s) every sleeping room shall have not less than one primary means of escape and one secondary means of escape. A secondary means of escape shall not be required where one of the following conditions are met:

- (1) The bedroom has a door leading directly to the outside of the building at or to grade level.
- (2) The dwelling unit is protected throughout by an approved automatic sprinkler system.

The requirements of this subsection shall apply to new dwellings or modified dwellings only. All other dwellings shall meet the requirements of the code applicable at the time of its construction.

(I) Every rental premises with more than two units shall have a fire extinguisher placed in a common area, indoor or outdoor, in which all tenants have access.

(J) Every dwelling shall have running water properly connected to a water and sewer system, meeting the requirements of the State Department of Public Health.

SECTION EIGHT: Section 150.166 is amended in its entirety and shall hereafter read as follows:

150.166 LIGHT, VENTILATION AND HEATING.

(A) No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein which does not comply with the minimum requirements of this section.

(B) Every common hall and stairway in residential dwellings, other than one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb or equivalent illumination for each 200 square feet of floor area, provided that the spacing between lights shall not be greater than 30 feet.

(C) Every habitable room shall be provided with light by one of the following methods:

(1) Natural light by at least one exterior window, facing directly to a public way, yard or court with a minimum total window area of not less than 8 percent of the floor area of the room served; or

(2) 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.

(D) Every habitable room and bathroom shall be provided with ventilation by one of the following methods:

(1) Natural ventilation through at least one window that can be easily opened to the outdoors. The total openable window area in every habitable room shall be equal to at least 4 percent of the floor area being ventilated. Every window, or other opening to the outside of a dwelling, used for ventilation shall be supplied with tightly fitting screens that provide protection against flies, mosquitos and other insects.

(2) Mechanical ventilation shall be provided by a method of supply air and return or exhaust air, in accordance with the adopted Mechanical Code.

(3) A bathroom that is equipped with a mechanical ventilation system shall discharge directly to the outdoors and shall not be recirculated.

(D) Every dwelling unit shall be supplied with water-heating facilities properly installed and maintained in good and safe working order to furnish water at a minimum of 120°F.

(E) When there is electrical service available to the building or structure, every habitable room of a dwelling or multi-family dwelling shall contain at least two separate and remote outlets, one of which may be a ceiling or wall-type electric light fixture. In kitchens, three separate and remote wall-type electrical convenience outlets or two convenience outlets and one ceiling or wall-type electric fixture shall be provided. Every public hall, water closet compartment, bathroom, laundry room or furnace room shall contain at least one electric light fixture. In addition to the electric light fixture in every bathroom and laundry room, there shall be provided at least one electric outlet. Every electrical outlet and fixture, as required, shall be installed, maintained and connected to the source of electric power in accordance with the provisions of the Electrical Code of the city. Where it is found that the electrical system in a building constitutes a hazard to the occupants of the building by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the Electrical Inspector shall require the defects to be corrected to eliminate the hazard.

(F) Every dwelling and multi-family dwelling shall have heating facilities and the owner of the heating facilities shall be required to see that they are properly installed, safely maintained and in good working condition, and that they are capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms located therein, to a temperature of at least an average of 68°F. The owner shall maintain a minimum average room temperature of 68°F in all habitable rooms, including bathrooms and toilet rooms, when rented, at all times. When the outdoor temperature is below the winter outdoor design temperature (-4°F), maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full capacity. Cooking appliances or portable, unvented, fuel-burning space heaters shall not be used to provide required heating.

(G) Every laundry or furnace room, and all similar non-habitable work space located in a dwelling or multiple dwelling shall have one supplied electric light fixture available at all times.

(H) Every basement window used or intended to be used for ventilation and every other opening to a basement which might provide an entry for rodents shall be supplied with a screen or any other device as will effectively prevent the entry.

(I) All construction done and installations made to comply with the provisions of this subchapter shall be in accordance with the ordinances of the city and statutes of the state regulating the construction and installations.

(J) All exterior walls shall have exterior wall coverings and flashing installed, and maintained, in such a manner so as to provide a weather resisting barrier for the protection of building structural members and interior space from the detrimental effects of the exterior environment.

(K) On every dwelling every chimney shall be kept in safe repair.

(L) Every inside and outside stairway, porch and every appurtenance thereto of every dwelling shall be maintained in a good state of repair as to be safe to use and capable of supporting the load that normal use may cause to be placed upon it.

(M) All garages, toolsheds and all other outbuildings shall be kept in good repair so as not to be unsafe or become a harborage for rats and other rodents.

(N) Habitable rooms in existing buildings shall have a clear ceiling height of not less than seven feet except that in attics on top half-stories the ceiling height can be less than 7 feet no more than one-third of the area when used for sleeping, study or similar activity. In calculating the floor area of the rooms those portions of the floor area of the room having a clear ceiling height of five feet or more may be included.

SECTION NINE: Section 150.168 is amended in its entirety and shall hereafter read as follows:

150.168 MINIMUM SPACE, USE AND LOCATION REQUIREMENTS.

(A) No person shall occupy or let to another for human occupancy any dwelling or dwelling unit for the purpose of living therein, which does not comply with the requirements of this section.

(B) Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.

(C) In every dwelling unit of two or more rooms every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant thereof.

(D) No dwelling or dwelling unit containing two or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment.

(E) No space below grade shall be used as a habitable room or dwelling unit unless:

(1) The floor and walls are impervious to leakage of underground and surface runoff water;

(2) The total of window area in each room is equal to at least the minimum window area sizes as required in § 150.166(C);

(3) The required minimum window area is located entirely above the grade of the ground adjoining the window area; or window wells are required where the

bottom of the window is below ground level. The window well must not interfere with the window fully opening. The distance from the window to the back of the well must be at least 36 inches and the minimum area of the well must 9 square feet. (width x projection) This requirement shall apply to new dwellings or modified dwellings only. All other dwellings shall meet the requirements of the code applicable at the time of its construction.

(4) The total of openable window area in each room is equal to at least the minimum required under § 150.166(C), except where there is supplied some other device affording adequate ventilation.

150.169 RESPONSIBILITIES OF OWNERS AND OCCUPANTS.

(A) Every owner, agent or person in possession, charge or control of a dwelling containing two or more dwelling units shall be responsible for maintaining the shared or public area of the dwelling and premises thereof in a clean and sanitary condition.

(B) Every occupant of the dwelling or dwelling unit shall keep that part of the dwelling, dwelling unit and premises thereof which he or she occupies and controls in a clean and sanitary condition.

(C) Every occupant of a dwelling or dwelling unit shall dispose of all his or her rubbish, garbage and any other waste which might provide food for rodents, in a clean and sanitary manner, by placing it in the garbage disposal facilities or garbage storage containers required by § 150.165(F).

(D) Every occupant of a dwelling or dwelling unit shall be responsible for hanging all screens whenever the same are required under the provisions of this subchapter or of any rule or regulation adopted pursuant thereto, except where the owner has agreed to supply the service.

(E) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises, and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for the extermination whenever his or her dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this division (E), whenever infestation is caused by failure of the owner to maintain a dwelling in a rat-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

(F) Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

SECTION TEN: Section 150.170 is amended in its entirety and shall hereafter read as follows:

150.170 ROOMINGHOUSES.

(A) No person shall operate a roominghouse or shall occupy or let to another for occupancy any rooming unit in any roominghouse or dwelling unit, except in compliance with the provisions of every section of this subchapter except the provisions of §§ 150.165 through 150.169.

(B) At least one flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system meeting the requirements of the State Department of Public Health and in good working condition, shall be supplied for each six persons or fraction thereof residing within a roominghouse, including members of the operator's family wherever they share the use of the facilities; provided, that in a roominghouse where rooms are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets. All the facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing the facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times.

(C) Every room occupied for sleeping purposes by one person shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor space for each occupant thereof.

(D) Every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level as required by the laws of this state and the city.

(E) The operator of every roominghouse shall be responsible for the sanitary maintenance of all walls, floors and ceilings and for the maintenance of a sanitary condition in every part of the roominghouse; and he or she shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by him or her, where bedding, bed linen or towels are supplied, the owner or operator shall maintain the bedding in a clean and sanitary manner, and he or she shall furnish clean bed linen and towels at least once each week and prior to the letting of any room to any occupant.

(F) Every provision of this section which applies to roominghouses shall also apply to hotels and motels except to the extent that the provision may be found in conflict with the laws of this state.

Approved this ____ day of _____, 20____, by a roll call vote as follows:

Roll Call #:

Ayes:

Nays:

Absent:

John Pritchard, Mayor

ATTEST:

Kelli R. Bennewitz, City Clerk

AN ORDINANCE ESTABLISHING MINIMUM HOUSING STANDARDS.

WHEREAS, the City of Galesburg is an Illinois home rule municipal corporation organized and operating pursuant to Article VII of the Illinois constitution of 1970; and

WHEREAS, the City has adopted certain housing regulations designed to protect the health, safety and welfare of the citizens of Galesburg, which are codified in Chapter 150 of the Galesburg City Code; and

WHEREAS, the Mayor and City Council find that amendment of the minimum housing standards is in the best interests of the health, safety, and welfare of its residents.

WHEREAS, the City Council finds that housing which does not meet certain minimum standards endangers the health of its occupants and can harm the value of surrounding properties; and

WHEREAS, the City Council finds that housing which does not meet certain minimum standards is more likely to require nuisance abatement or demolition by the City of Galesburg; and

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GALESBURG, ILLINOIS, AS FOLLOWS:

SECTION ONE: The foregoing recitals are hereby incorporated into this Ordinance as is fully set forth herein.

SECTION TWO: Section 150.150 of the Galesburg City Code is amended in its entirety, and shall hereafter read as follows:

Housing Code Generally; Administration and Enforcement

150.150 DEFINITIONS

(A) *Meaning of certain words.* When the words “dwelling,” “dwelling unit,” “roominghouse” and “premises” are used in this subchapter, they shall be construed as though they were followed by the words “or any part thereof.”

(B) *Definitions.* For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

~~BASEMENT.~~ ~~A portion of a building located partly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.~~

~~**CELLAR.** A portion of a building located partly or wholly underground, and having half or more than half of its clear floor to ceiling height below the average grade of the adjoining ground.~~

BUSINESS DAY. Any day in which normal business is conducted. This is Monday through Friday from 8am to 5pm and excludes Saturday, Sunday and any holiday in which the City Hall of the City of Galesburg is closed.

DWELLING. Any building which is wholly or partly used or intended to be used for living or sleeping by human occupants.

DWELLING UNIT. Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

EXTERMINATION. 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.

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

HABITABLE ROOM. A room or enclosed floor space used for or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, corridors, closets, storage spaces or stairways.

INFESTATION. The presence of an unusually large number of any insects, rodents or other pest, within or around a dwelling.

INSPECTION DIVISION. The Department of Planning and Public Works.

MULTIPLE DWELLING. Any dwelling containing more than two dwelling units.

OCCUPANT. Any person living, sleeping, cooking or eating in, or having actual possession of a dwelling unit or rooming unit.

OPERATOR. Any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.

OWNER.

(a) Any person who, alone or jointly or severally with others:

1. Shall have legal or equitable title to any dwelling or dwelling unit, with or without actual possession thereof; or
2. Shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner.

(b) Any person thus representing the actual **OWNER** shall be bound to comply with the provisions of this subchapter and of rules and regulations adopted pursuant thereto, to the same extent as if he or she were the **OWNER**.

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

PREMISES. Any building, structure, lot, plot, tract, parcel of land or portion thereof, whether improved or unimproved, including adjacent parkways.

PRIMARY MEANS OF ESCAPE. Shall be a door, stairway, or ramp providing a means of unobstructed travel to the outside of the dwelling unit at street or ground level.

ROOMINGHOUSE. Any dwelling or that part of any dwelling containing one or more rooming units, in which space is let for compensation by the owner or operator to three or more persons who are not husband or wife, son or daughter, mother or father, sister or brother, grandparents, grandchildren, niece or nephew or domestic employees (not to exceed two in number) of the owner or operator.

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

RUBBISH. Combustible and noncombustible waste materials, except garbage.

SECONDARY MEANS OF ESCAPE. Shall be a door, stairway, passage, or hall providing a way of unobstructed travel to the outside of the dwelling at street or ground level that is independent of and remote from the primary means of escape. Or it shall be an outside window or door operable from the inside without the use of tools, keys, or special effort of a size original to the construction of the dwelling.

SUPPLIED. Paid for, furnished or provided by or under the control of, the owner or operator.

SECTION THREE: Section 150.151 of the Galesburg City Code is amended in its entirety, and shall hereafter read as follows:

150.151 INSPECTION OF DWELLINGS, DWELLING UNITS, ROOMING UNITS AND PREMISES.

(A) The Department of Planning and Public Works is hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units, rooming units and premises located within the city in order that it may perform its duty of protecting the health and safety of the occupants of dwellings and of the general public. For the purpose of making these inspections the Department of Planning and Public Works is hereby authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units and premises located in the city; provided, however, that the

Department shall first give notice in writing to the occupant of the dwelling, dwelling unit, rooming unit or premises if the same be occupied, and to the owner thereof, of the intent to inspect the dwelling, dwelling unit, rooming unit or premises. This notice shall be given or mailed to the occupant, if the dwelling, dwelling unit, rooming unit or premises is occupied, and to the owner, at least 15 business days ~~120 hours~~ prior to the time of the inspection, which notice to include the day, date and approximate time of the inspection. A notice mailed to the last known address of the person to whom the notice is addressed shall be sufficient to comply with this section. The City has the right to inspect a dwelling unit, rooming unit or premises with less than 15 business days' notice if the violation(s) pose an imminent danger to the life, health or safety of the occupants of the building or surrounding buildings/areas as determined by the City Manager or his/her designee. The owner shall be notified, by phone or US Mail depending on the severity of the violation, of the City Manager or his/her designee's decision to have an unscheduled inspection at the time of decision to make an unscheduled inspection.

(B) The owner or occupant of every dwelling, dwelling unit, rooming unit and premises, or the person in charge thereof, shall give the Inspector free access to the dwelling, dwelling unit, rooming unit and premises at all reasonable times for the purpose of inspection of the premises, examination and survey, but is required to do so only if the requisites of notice as prescribed in division (A) above have been fully complied with by the Inspector; and further only if the Inspector presents properly ~~executed~~ credentials at the time he or she appears to make the inspection. No penalty shall be imposed for violation of this division (B).

SECTION FOUR: Section 150.153 is amended in its entirety and shall hereafter read as follows:

150.153 ENFORCEMENT, SERVICE OF NOTICE AND ORDERS.

(A) Whenever the Inspector determines that there are reasonable grounds to believe that there has been a violation pursuant to this subchapter, he or she shall give notice of the alleged violation to the owner ~~person or persons~~ responsible therefor, as hereinafter provided.

(B) The notice shall:

- (1) Be in writing;
- (2) Include a statement of any alleged violations;
- (3) ~~Allow a reasonable time for the correction of any violation or the performance of any other acts it requires; and~~ The City shall allow the owner and/or landlord not more than 30 business days to correct the violation(s). The report shall state a re-inspection date. A copy of the report will be available at City Hall. The owner's and/or landlord's failure to receive a copy of the report does not limit the city's right to enforce these requirements.

(4) Be served upon the owner or his or her agent within 10 business days of the inspection, ~~or~~ and the occupant if he or she is not the owner, as the case may require; provided, that the notice shall be deemed to be properly served upon the owner or agent or upon the occupant, if a copy thereof is served upon him or her personally, or is sent by registered mail to his or her last known address, or is posted in a conspicuous place in or about the dwelling affected by the action.

(C) The notice may contain an outline of remedial action which, if taken, will affect compliance with the provisions of this subchapter and with rules and regulations adopted pursuant thereto.

(D) Time extension. The Department may grant an reasonable time extension to the compliance deadline established in the violation notice if requested in writing and filed with the Department of Planning and Public Works by the responsible party before the re-inspection date.

SECTION FIVE: Section 150.154 is amended in its entirety and shall hereafter read as follows:

150.154 VARIANCES AND APPEALS.

(A) The Overall Code Review Commission as established in Ordinance 80-707 shall hereby be authorized to hear and decide on all requests for variances of the requirements of this subchapter. Furthermore, the Overall Code Review Commission is authorized to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the inspections office in the enforcement of this subchapter.

(B) Any person aggrieved may take an appeal to the Overall Code Review Commission from any decision or notice given by the Inspector issued pursuant to the provisions of this subchapter.

(C) An appeal may be taken within ~~20~~ 15 business days from the date of the decision appealed from by filing with the Inspector and with the Overall Code Review Commission a notice of appeal, specifying the grounds thereof. The Inspector shall forthwith transmit to the Overall Code Review Commission all the papers upon which the action appealed was taken

(D) The Overall Code Review Commission shall, in every case, hold a hearing and reach a decision without unreasonable or unnecessary delay. Every decision of the Overall Code Review Commission shall be in writing and shall be promptly filed in the office of the Inspector. A copy of the decision shall be sent by mail or otherwise to the person appealing, and to all members of the City Council. All decisions shall require an affirmative vote of a majority of the quorum then present of the Overall Code Review Commission. If a decision of the Overall Code Review Commission reverses the order of the Inspector, he or she shall take action immediately in accordance with the decision.

(E) The Overall Code Review Commission, when so appealed to, and after a public hearing, may vary the application of any provision of this subchapter to any particular case when, in its opinion, the enforcement thereof would result in practical difficulty or

unnecessary hardship; provided, that the spirit of this subchapter will be observed, public health and welfare secured, and substantial justice done. The Overall Code Review Commission may also extend for a reasonable period the time specified for compliance where conditions exist that would create a hardship, and that the extension will not create or continue a health hazard to surrounding territory.

(F) A decision of the Overall Code Review Commission to vary the application of any provision of this subchapter, or to modify an order of the Inspector, shall specify in what manner the variation or modification is made, the conditions upon which it is made and the reasons therefor.

(G) The proceedings at the hearings, including the findings and decisions of the Overall Code Review Commission and the reasons therefor shall be summarized and reduced to writing and entered as a matter of public record in the office of the Inspector. The record shall also include a copy of every notice and order issued in connection with the matter. Any person aggrieved by a decision of the Overall Code Review Commission may, within ~~ten~~ 10 business days of the receipt of notice of the decision, file a request in writing with the Inspector that he or she transmit a copy of the Overall Code Review Commission's findings and decision to the City Council, which the Inspector shall do forthwith. The report shall act as the recommendation of the Overall Code Review Commission to the City Council; and the Council may concur with, reject or modify the recommendation. In the event no written notice is filed with the Inspector within the time above specified, the decision of the Overall Code Review Commission shall be final.

SECTION SIX: Section 150.155 is amended in its entirety and shall hereafter read as follows:

150.155 DESIGNATION OF ~~FIT~~ DWELLINGS AND DWELLING UNITS AS UNFIT FOR HUMAN HABITATION.

(A) The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the determination and placarding of the unfit dwellings or dwelling units shall be carried out in compliance with the requirements of this section.

(B) Any dwelling or dwelling unit which fails to meet the requirements of §§ 150.165, 150.166, 150.167 and 150.168, or any of them to the extent that health, safety and welfare of occupants or adjacent occupants or properties is at risk of health or harm such as the structure is unsafe, unlawful or, because of the degree to which the building is in disrepair or lacks maintenance, is unsanitary, 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 building or to the public, after notice and a reasonable opportunity to comply shall have been given in accordance with the provisions of § ~~150.151-150.153~~ hereof, ~~may~~ shall be declared to be unfit for human habitation and shall may be so designated and placarded by the ~~Building Inspector~~ the City Manager or his/her designee.

(C) Any dwelling or dwelling unit determined as unfit for human habitation, and so designated and placarded by the the City Manager or his/her designee ~~Building Inspector~~,

shall be vacated within a reasonable period, time not to exceed 5 business days as ordered by the the City Manager or his/her designee ~~Building Inspector~~.

(D) No dwelling or dwelling unit which has been determined and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from and the placard is removed by the ~~Building~~ Inspector who shall remove the placard only when the defect or defects upon which the determination and placarding action were based have been eliminated, and after the dwelling or dwelling unit has been inspected and been found to comply in all respects with the requirements of this subchapter.

(E) No person shall deface or remove the placard from any dwelling or dwelling unit which has been determined and placarded as such, except as provided in division (D) above.

(F) An owner may file a written appeal of this designation with the City Clerk's office. This appeal shall be filed within 5 business days of placarding of the building. Appeals shall be heard by the City's administrative hearing officer at the next regularly scheduled administrative court date.

HOUSING CODE MINIMUM STANDARDS

SECTION SEVEN: Section 150.165 is amended in its entirety and shall hereafter read as follows:

150.165 BASIC EQUIPMENT AND FACILITIES.

(A) No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking or eating therein, which does not comply with the minimum requirements of this section.

(B) Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to a water and sewer system, meeting the requirements of the State Department of Public Health.

(C) Every dwelling unit (except as otherwise permitted under division (E) of this section) shall contain a room which affords privacy to a person within the room and which is equipped with a flush water closet and lavatory basin in good working condition and properly connected to a water and sewer system meeting the requirements of the State Department of Public Health.

(D) Every dwelling unit (except as otherwise permitted under division (E) of this section) shall contain, within a room which affords privacy to a person within the room, bathing facilities; the room may be the same room as required under division (C).

(E) The occupants of not more than one dwelling unit may share a single flush water closet, a single lavatory basin and bathtub or shower. The water closet, lavatory basin and bathtub or shower shall be in good working condition and properly connected to a water and sewer system meeting the requirements of the State Department of Public Health.

(F) Every dwelling unit shall be supplied with adequate rubbish and garbage disposal facilities or storage containers with tight-fitting lids or covers adequate to prevent access to the garbage and rubbish by insects, rodents or other pests.

(G) Every dwelling unit shall have safe, unobstructed means of egress leading to a safe and open space at ground level as required by the laws of this state and the city.

(H) In dwelling unit(s) every sleeping room shall have not less than one primary means of escape and one secondary means of escape. A secondary means of escape shall not be required where one of the following conditions are met:

(1) The bedroom has a door leading directly to the outside of the building at or to grade level.

(2) The dwelling unit is protected throughout by an approved automatic sprinkler system.

The requirements of this subsection shall apply to new dwellings or modified dwellings only. All other dwellings shall meet the requirements of the code applicable at the time of its construction.

(I) Every rental premises with more than two units shall have a fire extinguisher placed in a common area, indoor or outdoor, in which all tenants have access.

(J) Every dwelling shall have running water properly connected to a water and sewer system, meeting the requirements of the State Department of Public Health.

SECTION EIGHT: Section 150.166 is amended in its entirety and shall hereafter read as follows:

150.166 LIGHT, VENTILATION AND HEATING.

(A) No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein which does not comply with the minimum requirements of this section.

(B) Every common hall and stairway in residential dwellings, other than one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb or equivalent illumination for each 200 square feet of floor area, provided that the spacing between lights shall not be greater than 30 feet.

(C) Every habitable room shall be provided with light by one of the following methods:

(1) Natural light by at least one exterior window, facing directly to a public way, yard or court with a minimum total window area of not less than 8 percent of the floor area of the room served; or

(2) 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.

~~(B) Every habitable room shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable room shall be 10% of the floor area of the room, except in kitchens when artificial light may be provided in accordance with the provisions of the International Building Code. Whenever walls or other portions of a structure face a window of any room and the obstructions are located less than three feet from the window and extend to a level above that of the ceiling of the room, the window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contribution to the required minimum total window area for the room.~~

(D) Every habitable room and bathroom shall be provided with ventilation by one of the following methods:

(1) Natural ventilation through at least one window that can be easily opened to the outdoors. The total openable window area in every habitable room shall be equal to at least 4 percent of the floor area being ventilated. Every window, or other opening to the outside of a dwelling, used for ventilation shall be supplied with tightly fitting screens that provide protection against flies, mosquitos and other insects.

(2) Mechanical ventilation shall be provided by a method of supply air and return or exhaust air, in accordance with the adopted Mechanical Code.

(3) A bathroom that is equipped with a mechanical ventilation system shall discharge directly to the outdoors and shall not be recirculated.

~~(C) Every habitable room shall have at least one window which can easily be opened, or any other device as will adequately ventilate the room. The total of openable window area in every habitable room shall be equal to at least 45% of the minimum window area size as required in division (B) above, except where there is supplied some device affording adequate ventilation. Every door, window or other opening to the outside of a dwelling used for ventilation shall be supplied with screen doors with self closing devices, or with screens adequate for protection against flies, mosquitoes or other insects.~~

~~(D) Every bathroom and water closet compartment shall comply with the ventilation requirement for habitable rooms contained in division (C) above except that no window shall be required in adequately ventilated bathroom and water closet compartments equipped with a mechanical ventilation system.~~

~~(E)~~ (D) Every dwelling unit shall be supplied with water-heating facilities properly installed and maintained in good and safe working order to furnish water at a minimum of 120°F.

~~(F)~~ (E) When there is electrical service available to the building or structure, every habitable room of a dwelling or multi-family dwelling shall contain at least two separate and remote outlets, one of which may be a ceiling or wall-type electric light fixture. In kitchens, three separate and remote wall-type electrical convenience outlets or two convenience outlets and one ceiling or wall-type electric fixture shall be provided. Every public hall, water closet compartment, bathroom, laundry room or furnace room

shall contain at least one electric light fixture. In addition to the electric light fixture in every bathroom and laundry room, there shall be provided at least one electric outlet. Every electrical outlet and fixture, as required, shall be installed, maintained and connected to the source of electric power in accordance with the provisions of the Electrical Code of the city. Where it is found that the electrical system in a building constitutes a hazard to the occupants of the building by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the Electrical Inspector shall require the defects to be corrected to eliminate the hazard.

~~(G)~~ (F) Every dwelling and multi-family dwelling shall have heating facilities and the owner of the heating facilities shall be required to see that they are properly installed, safely maintained and in good working condition, and that they are capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms located therein, to a temperature of at least an average of 68 70°F ~~with an outside temperature of 10° below zero~~. The owner shall maintain a minimum average room temperature of 68 70°F in all habitable rooms, including bathrooms and toilet rooms, when rented, at all times, ~~on the basis of 10° below zero outside~~. When the outdoor temperature is below the winter outdoor design temperature (-4°F), maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full capacity. Cooking appliances or portable, unvented, fuel-burning space heaters shall not be used to provide required heating.

~~(H)~~ (G) Every laundry or furnace room, and all similar non-habitable work space located in a dwelling or multiple dwelling shall have one supplied electric light fixture available at all times, ~~and every public hall and inside stairway in every dwelling or multiple-family dwelling shall be adequately lighted at all times with an illumination of at least five lumens per square foot in the darkest portion of the normally traveled stairways and passageways.~~

~~(I)~~ (H) Every basement ~~or cellar~~ window used or intended to be used for ventilation and every other opening to a basement ~~or cellar~~ which might provide an entry for rodents shall be supplied with a screen or any other device as will effectively prevent the entry.

~~(J)~~ (I) All construction done and installations made to comply with the provisions of this subchapter shall be in accordance with the ordinances of the city and statutes of the state regulating the construction and installations.

~~(K)~~ (J) All exterior surfaces on all dwellings shall be reasonably maintained and must conform with requirements set forth in the Building Code as adopted by the city governing exterior weatherboard and veneers. exterior walls shall have exterior wall coverings and flashing installed, and maintained, in such a manner so as to provide a weather resisting barrier for the protection of building structural members and interior space from the detrimental effects of the exterior environment.

~~(L)~~ (K) On every dwelling every chimney shall be kept in safe repair.

~~(M)~~ **(L)** Every inside and outside stairway, porch and every appurtenance thereto of every dwelling shall be maintained in a good state of repair as to be safe to use and capable of supporting the load that normal use may cause to be placed upon it.

~~(N)~~ **(M)** All garages, toolsheds and all other outbuildings shall be kept in good repair so as not to be unsafe or become a harborage for rats and other rodents. ~~Nor shall any wood or lumber or any other material or junk objects, to include but not limited to vehicles, be stored, kept or permitted to remain except temporarily on the premises, in such a manner that will afford harborage for rats or other rodents.~~

~~(O)~~ **(N)** Habitable rooms in existing buildings shall have a clear ceiling height of not less than seven ~~and one-third~~ feet except that in attics on top half-stories the ceiling height shall be not less than seven feet over not less **can be less than 7 feet no more** than one-third of the area when used for sleeping, study or similar activity. In calculating the floor area of the rooms those portions of the floor area of the room having a clear ceiling height of five feet or more may be included.

SECTION NINE: Section 150.168 is amended in its entirety and shall hereafter read as follows:

150.168 MINIMUM SPACE, USE AND LOCATION REQUIREMENTS.

(A) No person shall occupy or let to another for human occupancy any dwelling or dwelling unit for the purpose of living therein, which does not comply with the requirements of this section.

(B) Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.

(C) In every dwelling unit of two or more rooms every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant thereof.

(D) No dwelling or dwelling unit containing two or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment.

~~(E) No cellar space shall be used as a habitable room or dwelling unit.~~

(EF) No ~~basement~~ space **below grade** shall be used as a habitable room or dwelling unit unless:

- (1) The floor and walls are impervious to leakage of underground and surface runoff water;

(2) The total of window area in each room is equal to at least the minimum window area sizes as required in § [150.166](#)(C);

(3) The required minimum window area is located entirely above the grade of the ground adjoining the window area; ~~and~~ or window wells are required where the bottom of the window is below ground level. The window well must not interfere with the window fully opening. The distance from the window to the back of the well must be at least 36 inches and the minimum area of the well must 9 square feet. (width x projection) This requirement shall apply to new dwellings or modified dwellings only. All other dwellings shall meet the requirements of the code applicable at the time of its construction.

(4) The total of openable window area in each room is equal to at least the minimum required under § [150.166](#)(C), except where there is supplied some other device affording adequate ventilation.

150.169 RESPONSIBILITIES OF OWNERS AND OCCUPANTS.

(A) Every owner, agent or person in possession, charge or control of a dwelling containing two or more dwelling units shall be responsible for maintaining the shared or public area of the dwelling and premises thereof in a clean and sanitary condition.

(B) Every occupant of the dwelling or dwelling unit shall keep that part of the dwelling, dwelling unit and premises thereof which he or she occupies and controls in a clean and sanitary condition.

(C) Every occupant of a dwelling or dwelling unit shall dispose of all his or her rubbish, garbage and any other waste which might provide food for rodents, in a clean and sanitary manner, by placing it in the garbage disposal facilities or garbage storage containers required by § [150.165](#)(F).

(D) Every occupant of a dwelling or dwelling unit shall be responsible for hanging all screens whenever the same are required under the provisions of this subchapter or of any rule or regulation adopted pursuant thereto, except where the owner has agreed to supply the service.

(E) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises, and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for the extermination whenever his or her dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this division (E), whenever infestation is caused by failure of the owner to maintain a dwelling in a rat-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

(F) Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

SECTION TEN: Section 150.170 is amended in its entirety and shall hereafter read as follows:

150.170 ROOMINGHOUSES.

(A) No person shall operate a roominghouse or shall occupy or let to another for occupancy any rooming unit in any roominghouse or dwelling unit, except in compliance with the provisions of every section of this subchapter except the provisions of §§ [150.165](#) and ~~through~~ [150.169](#).

(B) At least one flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system meeting the requirements of the State Department of Public Health and in good working condition, shall be supplied for each six persons or fraction thereof residing within a roominghouse, including members of the operator's family wherever they share the use of the facilities; provided, that in a roominghouse where rooms are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets. All the facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing the facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times.

(C) Every room occupied for sleeping purposes by one person shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor space for each occupant thereof.

(D) Every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level as required by the laws of this state and the city.

(E) The operator of every roominghouse shall be responsible for the sanitary maintenance of all walls, floors and ceilings and for the maintenance of a sanitary condition in every part of the roominghouse; and he or she shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by him or her, where bedding, bed linen or towels are supplied, the owner or operator shall maintain the bedding in a clean and sanitary manner, and he or she shall furnish clean bed linen and towels at least once each week and prior to the letting of any room to any occupant.

(F) Every provision of this section which applies to roominghouses shall also apply to hotels and motels except to the extent that the provision may be found in conflict with the laws of this state.

**COUNCIL LETTER
CITY OF GALESBURG
FEBRUARY 19, 2018**

AGENDA ITEM: Ordinance establishing carbon monoxide alarm detectors in all required dwellings in the City of Galesburg

SUMMARY RECOMMENDATION: The City Manager, the Director of Planning and Public Works and the City Fire Chief recommend approval of the ordinance establishing carbon monoxide alarm detectors in all required dwellings in the City of Galesburg.

BACKGROUND: The state law requiring carbon monoxide detectors was passed in 2007 and is already a requirement for all dwellings in the State of Illinois. The attached ordinance, if approved, will formally recognize this law in the same manner as the Smoke Detector Act ordinance that has been in the City ordinance since 1987.

Carbon Monoxide is colorless, odorless, tasteless, and is often called the silent killer. According to the Centers for Disease Control, 20,000 to 30,000 people in the United States are sickened by accidental carbon monoxide poisoning and approximately 500 people die each year. This problem escalates in times of power outages when people use alternative methods of heating and cooking.

This ordinance promotes an increased awareness and education for residents, landlords and tenants in this community of the need for prevention and detection of carbon monoxide poisoning and deaths.

BUDGET IMPACT: None

SUPPORTING DOCUMENTS:

1. Ordinance establishing carbon monoxide alarm detectors in all required dwellings in the City of Galesburg.

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING CARBON MONOXIDE ALARM DETECTORS IN ALL REQUIRED DWELLINGS IN THE CITY OF GALESBURG

WHEREAS, the expressed intent of the Buildings and Building Regulations is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises; and

WHEREAS, carbon monoxide, often known as the silent killer, poses a significant risk of injury and or death to occupants of structures; and

WHEREAS, there are residents of the City of Galesburg who suffer the effects of carbon monoxide poisoning each year; and

WHEREAS, the State of Illinois has adopted the “Carbon Monoxide Alarm Standards Act (Act of Jan. 1, 2007, P.A. 94-741); and

WHEREAS, the City of Galesburg is an Illinois home rule municipal corporation organized and operating pursuant to Article VII of the Illinois constitution of 1970; and

WHEREAS, the City has adopted certain housing regulations designed to protect the health, safety and welfare of the citizens of Galesburg, which are codified in Chapter 150 of the Galesburg City Code; and

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GALESBURG, ILLINOIS, AS FOLLOWS:

SECTION ONE: The foregoing recitals are hereby incorporated into this Ordinance as is fully set forth herein.

SECTION TWO: Section 150.003 of the Galesburg City Code is hereby created and shall hereafter read as follows:

150.003 CARBON MONOXIDE DETECTOR REQUIREMENTS.

The Illinois Carbon Monoxide Act (430 ILCS 135/1 et seq.) as amended is hereby adopted as if fully set forth herein.

SECTION THREE: All ordinances, or parts of ordinances, in conflict with this ordinance are, to the extent of such conflict, hereby repealed.

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

Approved this ____ day of _____, 20____, by a roll call vote as follows:

Roll Call #:

Ayes:

Nays:

Absent:

John Pritchard, Mayor

ATTEST:

Kelli R. Bennewitz, City Clerk