

VILLAGE OF BLOOMINGDALE

DU PAGE COUNTY, ILLINOIS

ORDINANCE NO. 2009-13

AN ORDINANCE ESTABLISHING THE MINIMUM
REGULATIONS GOVERNING THE CONDITIONS AND MAINTENANCE
OF ALL PROPERTY, BUILDINGS AND STRUCTURES;
BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES
AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO INSURE
THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE;
AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES
UNFIT FOR HUMAN OCCUPANCY AND USE AND THE DEMOLITION OF SUCH
STRUCTURES; KNOWN AS THE PROPERTY MAINTENANCE CODE;
ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE (2009 EDITION)
AND REPEALING OF EXISTING ORDINANCE NO. 2007-12
(INTERNATIONAL PROPERTY MAINTENANCE CODE, 2006 EDITION)

ADOPTED BY THE PRESIDENT AND
BOARD OF TRUSTEES OF THE
VILLAGE OF BLOOMINGDALE
THIS 23RD DAY OF MARCH, 2009

Published in pamphlet form
by authority of the President
and Board of Trustees of the
Village of Bloomingdale,
DuPage County, Illinois this
23rd day of March, 2009.

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WHEREAS, the Village of Bloomingdale is a municipal corporation located in
DuPage County, in the State of Illinois; and,

WHEREAS, the Village of Bloomingdale desires to provide reasonable safeguards
to protect the Public Health and Safety against the hazards of inadequate, unsanitary or
unsafe buildings, structures and properties and,

WHEREAS, the Board of Trustees of the Village of Bloomingdale deems it in the
best interest of the Village of Bloomingdale to amend and adopt a property maintenance
code for the control of buildings, structures and properties as herein provided; and each
and all of the regulations, provisions, penalties, conditions and terms as amended of the
published International Property Maintenance Code, 2009 edition, are hereby referred to,
adopted and made a part thereof, as if fully set out in this Ordinance, except for the

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WHEREAS, the Board of Trustees of the Village of Bloomingdale deems it in the best interest of the Village of Bloomingdale to amend and adopt a property maintenance code for the control of buildings, structures and properties as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms as amended of the published International Property Maintenance Code, 2009 edition, are hereby referred to, adopted and made a part thereof, as if fully set out in this Ordinance, except for the additions, insertions, deletions and changes thereto as set out in Section 3 of this Ordinance; and

WHEREAS, three (3) copies of the International Property Maintenance Code have been filed with the Village Clerk for at least thirty (30) days prior to the adoption of this Ordinance;

Now, therefore, be it ordained by the President and Board of Trustees of the Village of Bloomingdale, DuPage County, Illinois, pursuant to its Home Rule powers, as follows:

SECTION 1: The facts and statements contained in the preamble to this Ordinance are hereby found by the President and Board of Trustees to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2: The property maintenance code of the Village of Bloomingdale (hereinafter referred to as the "Property Maintenance Code") shall hereafter be identical with the provision of that publication entitled "The International Property Maintenance Code, 2009 Edition" and which is incorporated herein by reference as if fully set forth, except as amended in Section 3 of this Ordinance. At least three (3) copies of the International Property Maintenance Code shall be placed on file with the Village Clerk and shall be available for public inspection at all times during regular business hours as provided by law.

SECTION 3: Additions, insertions, deletions and changes to sections of the Property Maintenance Code are hereby revised as follows:

Subsection 101.1 Title (Page 1, Title, second line)

INSERT: The Village of Bloomingdale

Subsection 102.7 Referenced codes and standards (Page 1, first line beginning of sentence).

ADD: Recognized industry standards and . . .

SECTION 103 Department of Property Maintenance Inspection (Page 2, Department of Property Maintenance Inspection, General)

DELETE: Entire Section.

INSERT: The Building and Zoning Division shall administer and enforce the property maintenance ordinance.

Subsection 104.1 General (Page 2, Duties and Powers of the Code Official, General)

ADD: The Building Commissioner shall be known as the Code Official.

Subsection 104.3 Right of Entry (Page 2, Right of Entry)

DELETE: Entire Subsection.

INSERT: In order to safeguard the safety, health and welfare of the public, the code official is authorized to attempt to obtain consent to entry at any reasonable time entry from any owner, occupant, or other person in charge of a dwelling, structure or property subject to this code for the purpose of making inspections and performing duties under this code. Such owner, occupant, or other person in charge shall be informed that entry by the code official is sought for the purpose of making an inspection and performing duties under this code. Failure to give consent to entry under this section shall not be punishable by fine or imprisonment.

Subsection 104.3.1 Search Warrant in absence of consent (Page 2, Search Warrant in absence of consent, New Subsection)

ADD: If the code official, after a reasonable attempt to obtain consent, does not receive consent to enter a dwelling, structure or property subject to the code as described in Subsection 104.3, the code official may seek in the Circuit Court of DuPage County, a search warrant pursuant to

Subsection 104.3.2 of this code. An owner, occupant or other person in charge of a dwelling, structure or property subject to the provisions of this code, who is presented with a search warrant obtained pursuant to this section, shall not refuse, impede, inhibit, interfere with, restrict, or obstruct entry and free access to any part of the structure or premises where an inspection authorized by the search warrant is sought to be made.

Subsection 104.3.2

Procurement of Search Warrants (Page 2, Procurement of Search Warrants, New Subsection)

ADD: A search warrant sought pursuant to Subsection 104.3.1 shall be sought in the Circuit Court of DuPage County. The court may consider any of the following factors along with such other matters as it deems pertinent in its decision as to whether a warrant shall be issued:

- (1) eyewitness account of violation.
- (2) citizen complaints.
- (3) tenant complaints.
- (4) plain view violations.
- (5) violations apparent from Village records.
- (6) property deterioration.
- (7) age of property.
- (8) nature of alleged violation.
- (9) similar properties in the area.
- (10) documented violations on similar properties in the area.
- (11) passage of time since last inspection.
- (12) ~~previous violations on the property.~~

Subsection 107.3 Notices and orders – Method of service (Page 3, Notices and orders - Method of Service, delete entire

subsection and insert new subsection)

DELETE: Entire Subsection.

INSERT: Such service shall be deemed to be properly served upon such owner if a copy thereof is delivered to the owner personally; or by leaving the notice at the usual place of abode, in the presence of someone in the family of the age of 13 years or upwards, who shall be informed of the contents thereof, provided that the person making service shall also mail a copy of the notice with postage fully prepaid, addressed to the owner at his or her usual place of abode; or by certified or registered mail addressed to the owner at the last known address with return receipt requested; or if the certified or registered letter is returned with receipt showing that it has not been delivered, by posting a copy thereof in a conspicuous place in or about the structure affected by such notice, or at least one publication of such notice in a local newspaper of general circulation.

Subsection 110.3 Failure to comply (Page 6, Demolition Failure to Comply, delete entire subsection and insert new subsection).

~~DELETE: Entire subsection.~~

INSERT: Whenever the owner of a property fails to comply with a demolition order within the time period prescribed, the code official shall immediately report such failure to comply to the corporate authorities. The corporate authorities may demolish, or cause the demolition of dangerous and unsafe buildings or uncompleted and abandoned buildings within the Village by applying to the circuit court for an order authorizing such action to be taken with respect to any such building if the owner or owners thereof, including the lien holders of record, after at least 15 days written notice by mail to do so, have failed to demolish it. Where, upon diligent search, the identity or whereabouts of the owner or owners of any such building including the lien holders of record is not ascertainable, notice mailed to the person or persons in whose name such real estate was last assessed is sufficient notice under this Subsection. The cost of such demolition incurred by the Village of Bloomingdale, including court costs, attorneys' fees and other costs related to the enforcement of this Subsection is recoverable from the owner or owners of such real estate and is a lien thereon, which lien is superior to all prior existing liens and encumbrances, except taxes. Within sixty (60) days after such demolition, the Village of Bloomingdale shall file

Notice of Lien of such cost and expense incurred in the office of the County Recorder. The notice must consist of a sworn statement setting out (1) a description of the real estate sufficient for identification thereof, (2) the amount of money representing the cost and expense incurred, and (3) the date or dates when the cost and expense was incurred by the Village or by the lien holder of record. Upon payment of the cost and expense by the owner or persons interested in the property after notice of lien has been filed, the lien shall be released by the Village and the release may be filed of record as in the case of filing a Notice of Lien. Where the dangerous condition of a structure is deemed by the corporate authorities, upon recommendation of the code official to constitute an imminent and immediate danger to human life, the Village may promptly raze or remove said structure or a portion thereof which has been deemed to cause such a danger in accord with applicable laws and procedures.

Section 110.5 Demolition or Structure Moving permit (Page 6, New Section, Demolition permit)

ADD: A demolition or structure moving permit is required prior to any such work occurring on property within the Village of Bloomingdale. To obtain a permit, the property owner or his

authorized representative shall file an application for permit on a form furnished by the Village for that purpose, and shall include a signed statement indicating the exact scope of demolition or structure moving work to occur on the subject property. Prior to issuance of a permit, the person, firm or corporation engaged in the work of demolition or moving a structure shall provide copy of license to perform such work. A valid certificate of insurance must be submitted specific to the property where demolition or structure moving is to take place. A bond in the penal sum of ten thousand dollars (\$10,000.00) with sureties to be approved by the Building Commissioner, to indemnify, keep and save harmless the Village of Bloomingdale against any loss, cost, damage, expense, judgment, or liability of any kind whatsoever the Village may suffer, or which may accrue against, be charged or be recovered from said Village, or any of its officials from or by reason or on account of accidents to persons or property during any such demolition or moving operations and from or by reason or on account of anything done under or by virtue of any permit granted for such demolition or moving operations. The bond in each case shall extend over the period of and ~~cover all such demolition or moving operation. Prior to~~

issuance of permit, the applicant shall submit written evidence to the Building Commissioner that the property for which such permit is to be issued has been inspected and treated for vectors and vermin by a person or persons duly qualified and licensed as exterminators in vermin and pest control. The inspection and treatment for vectors and vermin shall be made and conducted within forty-five (45) days preceding the commencement of demolition or moving. Prior to issuance of permit, it is required that the Village be provided a certified inspection report from an Illinois licensed Asbestos Inspector certifying that the property is clear of any asbestos hazards before commencing demolition or moving. A separate permit shall be required for the removal of asbestos containing material, should inspection discover the presence of asbestos containing material. Upon satisfactory report of removal and disposal of asbestos containing material by an Illinois licensed Asbestos Abatement contractor, the demolition or structure moving permit shall be issued providing all other requirements for such permit have been met. Provisions shall be made by the permit applicant to control erosion and dust during the demolition or structure moving process. Safety fencing shall be required, minimum forty-eight (48) to seventy-two (72)

inches in height above grade around the entire perimeter of the project area and shall be installed prior to the commencement of work. Fees for all permits are subject to the current Village schedule of fees and bonds.

Section 111.0 Means of Appeal (Page 6, Means of Appeal, Delete entire section and insert new section).

DELETE: Entire section.

INSERT: Any person shall have the right to appeal a decision of the Building Commissioner to the Zoning Board of Appeals. Means of appeal shall follow requirements set forth in Zoning Ordinance No. 69-12, Article XII, Section C, The Zoning Board of Appeals.

Section 202.0 General Definitions (Page 9 and 10, Definitions, Additions)

ADD: Demolition and Construction Waste. Waste materials from the construction or destruction of residential, commercial or industrial structures, including concrete, gravel, sand, soil, lumber or any type of excess fill or construction spoils.

ADD: Junk. Any discarded material, such as stoves, refrigerators, furniture, automobile parts, toys, miscellaneous appliances or excessive amounts of materials other than garbage, rubbish or refuse.

~~ADD: Refuse. Any solid waste material.~~

Subsection 302.1 Sanitation (Page 11, Sanitation, Add fifth line)

ADD: Any storage of salt on the exterior of private property for use in snow and ice control is prohibited.

Subsection 302.4 Weeds (Page 11, Weeds, Delete entire subsection and insert new subsection).

DELETE: Entire subsection.

INSERT: All premises and exterior property shall be maintained free from weeds or plant growth in excess of ten (10) inches in height. Weeds or plant growth in excess of ten (10) inches is hereby declared to be a nuisance and violation of this Ordinance. Weeds shall be defined as all grasses, annual plants and vegetation, any plant of volunteer growth which is not cultured or specifically grown for human food, any high growth of grass or plants that may conceal garbage, rubbish, refuse, junk or other unhealthy deposits or any growth which constitutes a fire hazard when dry. Noxious weeds shall be prohibited as required by the Illinois Noxious Weed Law (505 ILCS 100/1). These weeds are common ragweed, giant ragweed, canada thistle, perennial sow thistle, musk thistle, marijuana and perennial members of the sorghum genus. Also prohibited are exotic weeds as required by the Illinois

Exotic Weed Act (525 ILCS10). These weeds are Japanese Honeysuckle, Multiflora Rose and Purple Loosestrife.

Exceptions to this subsection are as follows:

1) Trees

2) Shrubs

3) Cultivated Gardens

4) Natural Landscaping which preserves or re-introduces native plants to the area. Areas to be "naturally landscaped" must be approved by the Village of Bloomingdale. A site plan is required for Village Staff review of the proposed or existing planting area or an existing "native" natural area with a listing of the plant species that are in or are to be in the site. This is to insure compliance with all aspects of this ordinance including verification that the planting areas within the site do not encroach into public right-of-ways, onto neighboring property or impede line-of-sight safety requirements for vehicular traffic on private or public property.

Subsection 302.5 Rodent Harborage (Page 11, Rodent Harborage, Add to end of Subsection)

ADD: Any storage or placement of materials on property within the Village in a manner which may harbor rodent or insect infestation is hereby declared to be a nuisance and violation of

this Ordinance. Any type of infestation shall immediately be abated.

Subsection 302.8.1 Motor Vehicles (Page 11, Motor Vehicles – Inoperable or Unlicensed, Delete Existing subsection and insert new subsection)

DELETE: Existing subsection.

INSERT: All inoperable or unlicensed motor vehicles on public or private property, are hereby declared to be a nuisance and a violation of this Ordinance. "Inoperable motor vehicle" shall mean any motor vehicle from which, for a period of at least seven (7) days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven.

Subsection 302.10 Equipment Storage (Page 11, Equipment storage, Add new subsection)

ADD: It is hereby declared a nuisance and a violation of this Ordinance for an owner of real estate within the Village to store out in the open on the exterior of private property construction equipment, snow removal equipment or landscaping equipment (Refer to ~~Village Off-Street Parking Ordinance for licensed vehicles).~~

Subsection 303.1.1 Swimming Pools (Page 11, Swimming Pools, Add subsection)

ADD: Swimming pools are to be regulated by the current Village ordinance governing the maintenance, use and equipment of private swimming pools, spas, hot tubs and portable or temporary pools in residential zoning districts where it is more stringent than this code. All other installations shall be regulated by this code and other applicable codes and ordinances.

Subsection 304.14 Insect Screens (Page 13, Insect Screens, first line -Insert in the "date" blanks)

INSERT: April 1 to December 1.

Subsection 308.1 Rubbish and Garbage (Page 11, Rubbish and Garbage, Addition after third line)

ADD: It is hereby declared a nuisance and a violation of this Ordinance for an owner of real estate within the Village to allow garbage, rubbish, junk, refuse or construction material or waste to remain outside in the open air upon that property. All garbage, rubbish, junk, refuse or construction material or waste must be enclosed in containers. No container shall be stored in the front yard, including that area between the building and front yard, or stored in the corner-side or side

yard of any property including that area between the building and that yard unless screened from view from the street.

Subsection 404.4.1 Room Area (Page 18, Room Area, Addition after third line)

ADD: Every bedroom occupied by more than one person shall contain at least 70 square feet of floor area for each occupant thereof.

Subsection 404.8 New Occupancy in existing space (Page 18, New Occupancy in existing space, New subsection)

ADD: No property, premises, building or tenant space within a commercial building shall be occupied or reoccupied without first having been inspected by the Village Building and Zoning Division and the Fire Protection District to insure compliance with public health, safety and any other applicable Village ordinance requirements. This verification of compliance is to be initiated through building permit application for an occupancy inspection.

Subsection 502.5 Public toilet facilities (Page 19, Public toilet facilities, deletion and insertion, third line)

DELETE: "International Plumbing Code" on third line.

INSERT: "current edition of the Illinois State Plumbing Code" on third line.

Subsection 602.3 Heat supply (Page 21, Heat Supply, fifth line - Insert in the "date" blanks)

INSERT: September 1 to June 1.

Subsection 602.4 Occupiable Work Spaces (Page 21, Occupiable Work Spaces, third line - Insert in the "date" blanks)

INSERT: September 1 to June 1.

SECTION 6: That any owner and/or occupant of real estate located within the Village upon which a nuisance or violation as indicated by this Ordinance exists shall be sent or served a notice stating the specific violation. If the violation has not been corrected within seven (7) days after receiving the notice, a citation will be issued by the Village for each offense and a separate offense shall be deemed to have been committed on each day which a violation continues to occur. Fines for each offense will be charged as indicated in Section 10 of this Ordinance. A court order will then be sought to allow the Village, or a duly authorized contractor, to enter upon the property to abate the nuisance. The Village will also seek reimbursement for abatement of the nuisance by court order.

SECTION 7: That any costs incurred by the Village or a duly authorized contractor in abating a nuisance, violation or any other charge imposed by the Village under this Ordinance shall be a lien upon the real estate in question as authorized under the Illinois Municipal Code and shall be superior to all other liens and encumbrances except tax liens, provided that within sixty (60) days after such cost and expense is incurred, the Village, or a contractor performing such services as authorized by the Village, in his or in its own name, files notice of lien in the Office of the Recorder of Du Page County. The notice shall

consist of a sworn statement setting out (1) a description of the real estate sufficient for identification thereof, (2) the amount of money representing the cost and expense incurred or payable for the service, and (3) the date or dates when such cost and expense was incurred by the Village. Such a lien shall not be valid as to any purchaser whose rights in and to such real estate have arisen subsequent to the weed-cutting or destroying and prior to the filing of the notice of lien. The lien shall not be valid as to any mortgagee, judgement creditor or other lienor whose right in and to such real estate arises prior to the filing of the notice. Upon payment of the cost and expense by the owner or other persons interested in such property after notice of lien has been filed, the lien shall be released by the Village or person in whose name the lien has been filed and the release may be filed of record as in the case of filing Notice of Lien.

SECTION 8: That it shall be unlawful to design, construct, alter, enlarge, repair, demolish, remove, use or maintain any building or structure in the Village of Bloomingdale in violation of the terms and provisions of this Ordinance or any other applicable Village ordinance.

SECTION 9: That the specific terms and conditions of this Ordinance shall prevail against other existing ordinances of the Village to the extent that there might be any conflict. Village Ordinance No. 2007-12 be and the same is hereby repealed. Terms and conditions of existing ordinances in conflict and less restrictive are hereby repealed as of the date this Ordinance takes effect.

SECTION 10: That any person, firm or corporation violating the terms and provisions of this Ordinance shall be liable for a penalty in the amount of one hundred percent (100%) of any unpaid fee and, in addition, shall be subject to a penalty of one thousand dollars (\$1,000.00) for each day of violation. Each day that a violation of this Ordinance occurs shall be deemed to be a complete and separate offense. In addition, the appropriate authorities of the Village may take such other action as they deem proper to enforce the terms and provisions of this Ordinance, including, without limitation, an action at law or in equity to compel compliance with its terms. That any person violating the terms or provisions of this Ordinance shall be subject, in addition to the foregoing penalties, to the payment of court costs and reasonable attorneys' fees.

SECTION 11: If any portion of this Ordinance or of the regulations incorporated herein by reference is declared or held to be invalid by any court of competent jurisdiction, such declaration of finding of invalidity shall not affect any remaining portion of this Ordinance or the regulations incorporated herein which may be given effect without such invalid provisions, and to that end the provisions of this Ordinance are severable.

SECTION 12: Neither the enactment of this Ordinance nor the repeal of any ordinance or parts of ordinances as provided for herein shall be construed to affect or abate any action or cause of action for violation of said prior ordinance or ordinances.

SECTION 13: This Ordinance shall not be construed to extend to or affect any construction activity for which a permit was issued or application for permit filed prior to the effective date of this Ordinance, except for fees not yet due or payable, unless the Building

Commissioner determines that any provision of this Ordinance or the regulations incorporated herein by reference should be applied for reasons of public health and safety.

SECTION 14: That this Ordinance shall be in full force and effect after its passage, approval and publication as required by law.

PASSED THIS 23RD DAY OF MARCH, 2009

AYES: Trustees Gebis, King, Bolen, Von Huben, Dabrowski and Czernek

NAYS: None

ABSENT: None

ABSTAIN: None

APPROVED THIS 23RD DAY OF MARCH, 2009



VILLAGE PRESIDENT

ATTEST:

Susan L. Bartucci

VILLAGE CLERK