

CHAPTER 29

PROPERTY MAINTENANCE CODE

**29-1-1**     **ADOPTION OF INTERNATIONAL PROPERTY MAINTENANCE CODE.** A certain document, **one (1) copy** of which is on file in the office of the Village Clerk, being marked and designated as the International Property Maintenance Code, 2003 Edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Village of Bethalto, in the State of Illinois for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Village Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this Chapter, with the additions, insertions, deletions and changes, if any, prescribed in **Section 29-1-2** of this Chapter.

**29-1-2**     **ADDITIONS, INSERTIONS AND CHANGES.** The following sections of the International Property Maintenance Code, 2003 are hereby revised as follows:

(A)           **Section 101.1.** Insert "Village of Bethalto" for [NAME OF JURISDICTION]".

(B)           **Section 102.3.** Section 102.3 is hereby repealed in its entirety and a new Section 102.3 is hereby adopted in lieu thereof as follows:

**102.3 - Application of other codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the *adopted building codes of the Village of Bethalto*. Nothing in this Code shall be construed to cancel, modify or set aside any provision of the Village of Bethalto Zoning Code.

(C)           **Section 103.5 - Fees.** The fees for activities and services performed by the department in carrying out its responsibilities under this Code shall be as indicated in the following schedule:

See Chapter 29 - Appendix A

(D)           **Section 104.3.** Section 104.3 is hereby repealed in its entirety and a new Section 104.3 is hereby adopted in lieu thereof as follows:

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**104.3 - Inspections.** The code official or his designee shall make all inspections required under this Code. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority. The code official shall also accept written reports from other village departments or inspectors in matters regarding their area of responsibility.

(E) **Section 106.4.** Section 106.4 is hereby repealed in its entirety and a new Section 106.4 is hereby adopted in lieu thereof as follows:

**106.4 - Penalty for Violation.** Any person who shall violate a provision of this Code, or fail to comply therewith, or fail to comply with any lawful order issued pursuant to any section of this Code, shall be prosecuted in accordance with the general penalty for violations in **Section 1-1-20** of the Village Code of the Village of Bethalto, Illinois. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(F) **Section 110.3.** Section 110.3 is hereby repealed in its entirety. [See applicable Illinois law on demolition of unsafe structures.]

(G) **Section 110.4.** Section 110.4 is hereby repealed in its entirety. [See applicable Illinois law on demolition of unsafe structures.]

(H) **Section 111.** Section 111 is hereby repealed in its entirety and a new Section 111 is hereby adopted in lieu thereof as follows:

**111 - Application for Appeal.** Any person directly affected by a decision of the code official or a notice or order issued under this Code shall have the right to appeal to the Village of Bethalto Zoning Board of Appeals, provided that a written application for appeal is filed within **twenty (20) days** after the date of the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or the requirements of this Code are adequately satisfied by other means. All matters regarding Composition, Appeals, Powers of the Zoning Board of Appeals, and Petition of Persons Aggrieved by Decision of the Zoning Board of Appeals shall be governed by the provisions of **Article XII of Chapter 40** of the Village Code of the Village of Bethalto.

(I) **Section 304.14.** Insert "March 1 and November 1 respectively for the referenced dates".

(J) **Section 505.1.** Section 505.1 is hereby repealed in its entirety and a new Section 505.1 is hereby adopted in lieu thereof as follows:

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**Section 505.1 - General.** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Illinois Plumbing Code.

(K) **Section 602.3.** Insert "September 1 and May 1 respectively for the referenced dates".

(L) **Section 602.4.** Insert "September 1 and May 1 respectively for the referenced dates".

**29-1-3 ADDITIONAL REGULATIONS.** The following additional regulations are hereby adopted as supplementary and in addition to the requirements of the International Property Maintenance Code, 2003 edition and are hereby incorporated as if fully set forth therein.

(A) **Permit Required.** It shall be unlawful for any person, firm or corporation to occupy, or permit to be occupied or to collect the rent of any existing residential structure without first obtaining a Residential Occupancy Permit issued by the code official. No person, firm or corporation shall occupy, or allow the occupancy of any existing residential structure if the Residential Occupancy Permit issued therefore has been revoked.

A Certificate of Occupancy issued for new or renovated structures by the code official in accordance with the International Building Code or International Residential Code, as adopted, shall be considered and is expressly distinguished from the Residential Occupancy Permit required pursuant to this Section. However, such certificate of occupancy may be honored as an alternative to the Residential Occupancy Permit required by **Section 29-1-3(A)** and this Code, provided the subject structure otherwise complies with the standards and requirements of this Code. In the absence of such compliance, any building permit fees paid to the Village shall be counted toward the fee required for the Residential Occupancy Permit under the Property Maintenance Code, for the first inspection and permit only.

(B) **Application; Action on Application; Inspection Required.** Whenever a change in occupancy occurs in any structure containing a dwelling unit, an application for Residential Occupancy Permit shall be made by the owner thereof or by his agent and filed with the code official. For purposes of this Section, the term "change in occupancy" shall mean a change in possession of a residential structure by way of rental, leasehold, ownership or other manner of tenancy.

Application for the Residential Occupancy Permit required by the Property Maintenance Code shall be made by the owner of the structure or by his authorized agent.

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Any application submitted by a person other than the fee owner shall be accompanied by a signed statement of authorization from the fee owner. The application shall contain the full name and address of the owner; or the names and addresses of the responsible officers if the owner is other than a natural person, the name and address of the applicant, and such other information as the code official shall deem appropriate for the implementation of this Code.

The application for such Residential Occupancy Permit shall be submitted in such form as the code official prescribes and shall be filed with the Building and Zoning Department.

- (1) In the case of a change of ownership, irrespective of tenancy, within **seven (7) business days** from the date of recording the deed or other instrument of real estate transfer with the office of the Recorder of Madison County, Illinois; or
- (2) In the case of a change of renter or lessee prior to occupancy of the structure.

The code official shall examine or cause to be examined all applications for a Residential Occupancy Permit and shall inspect or cause to be inspected the structure which is the subject of the application within a reasonable time, not to exceed **seven (7) business days**, after filing. If the application and structure conform to the requirements of all laws of the Village, the code official shall issue the Residential Occupancy Permit within **one (1) business day** of the inspection.

**Exceptions.** The inspection provisions of this Section shall not be applicable in the following instances:

- (1) To the change of ownership of a structure containing a dwelling unit when the change in ownership is between immediate family members provided there is no change in occupancy;
- (2) To a change in ownership when the new purchaser/tenant provides a notarized statement to the code official stating that the purchaser/tenant will cause the structure to be demolished within **six (6) months** from the date of purchase.
- (3) Nursing home and hospital facilities.
- (4) Recreational vehicles.
- (5) Temporary living facilities (i.e. hotel and motel) as long as they are not occupied for more than **fifteen (15) continuous days**.

(C) **Scheduling of Regular Inspections; Utility Services.** Regular inspections and re-inspections shall be scheduled for normal work days of the Village. Appointments for inspection and/or re-inspection shall be made for time(s) of mutual convenience of the applicant and the code official whenever possible and within the time frames specified in **Section 29-1-3(B)** above. It shall be the responsibility of the

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owner or the owner's agent to provide access to the structure for gain of entry and free access. No inspection shall be made without the owner or the owner's agent present.

Water, electric and gas services (if applicable) shall be on at the time scheduled for inspection and/or re-inspection. Water and sewer service through the Village of Bethalto or other water or sanitary service provider, and electric and gas services through their respective providers will not be authorized for change to new occupant(s) and/or tenant(s) until the structure is approved for occupancy and a Residential Occupancy Permit has been issued.

(D) **Permit Contents.** The Residential Occupancy Permit shall certify that the structure complies with the provisions of this Code and shall additionally set forth the use, street address or other means of identification, date of issuance, and such other information as the code official shall deem appropriate for the implementation of this Code. Occupancy Permits for residential structures shall additionally state the maximum number of occupants permitted.

(E) **Existing Buildings.** Any structures inspected under this Property Maintenance Code will not be subject to the requirements of the International Building Code, 2003 or International Residential Code, 2003 *except the specific requirements included as part of this Code*, unless the building is also undergoing new construction, alteration, repair, or relocation requirements, and then only the portion that is affected by that work. The legal occupancy of any structure existing on the date of adoption of this Code, or for which it has been heretofore approved shall be permitted to continue without change, except as otherwise covered in this property maintenance code, building code, zoning code, fire prevention code or if the building presents a threat to the lie, safety or health of the occupants or public.

(F) **Fees.** Fee(s) for a Residential Occupancy Permit, inspection or re-inspection, or missed appointment shall be as prescribed in Appendix A top this Chapter 29. There shall be a fee paid for missed appointments when the owner or his authorized agent fails to be present for any scheduled appointment for inspection or re-inspection. A missed appointment shall be defined as arriving more than **ten (10) minutes** after the scheduled appointment time. No fee shall be imposed if for any reason the building official or other inspector must cancel or be late. All fees shall be paid in the office of the Building and Zoning Department upon application for the Residential Occupancy Permit.

(G) **Application or Inspection Denial.** No application for a Residential Occupancy Permit shall be acted upon or inspection or re-inspection conducted on any property for which an application has been submitted if a Notice of Lien has been recorded against the same property in the office of the Recorder of Deeds of Madison County, Illinois, on behalf of the Village of Bethalto for any Code Enforcement action or other liability owed to the Village of Bethalto.

(H) **Existing Receptacles.** Existing receptacles in the following locations shall have GFCI protection, pursuant to E3802 of the 2003 International Residential Code ("IRC"):

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- (1) Garages. (IRC 3802.3)
- (2) Outdoor receptacles. (IRC 3802.2)
- (3) Kitchen and bar sink receptacles serving countertop surfaces within **six (6) feet** of rim of sinks. (IRC 3802.6)
- (4) Unfinished basements. (IRC 3802.5)
- (5) Hydro massage bathtubs. (IRC 4109)
- (6) Crawl spaces. (IRC 3802.4)

(I) **Garage Separation.** An attached garage shall be separated from the residence and its attic by the following means:

- (1) Installation of minimum of **one-half (1/2) inch** gypsum board applied to the garage side. (IRC 309.2)
- (2) Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and dwelling unit shall be equipped with either solid core doors not less than **one and three-eighths (1 3/8) inch** in thickness, **twenty (20) minute** fire-rated doors, or metal insulated exterior doors. (IRC 309.1)

(J) **Gas Appliance Valves.** Each gas appliance shall be provided with a shutoff valve separate from the appliance. The shutoff valve shall be located in the same room as the appliance, not further than **six (6) feet** from the appliance or within reasonable proximity, and installed upstream of the union, connector, or quick disconnect device it serves. (International Fuel Gas Code, 2003-Section 409.5)

(K) **Swimming Pools.** Swimming pools must comply with the safety regulations of Appendix G of the 2003 International Residential Code.

**(Ord. No. 2008-06; 04-07-08)**

**ATTACHMENT "A"**

**Tier I**

Application/Inspection	\$20.00 per dwelling unit within a building
Re-inspection	\$30.00 per dwelling unit within a building
3yr renewal fee	\$50.00 per building

**Tier II**

Application/Inspection	\$30.00
Re-inspection	\$30.00

**Residential**

Application	\$30.00
Re-inspection	\$30.00