



## **CHAPTER 4: BUILDING REGULATIONS**

*Adopted August 11, 2025*

### **ARTICLE I. THE BUILDING OFFICIAL & THE CODES**

**SEC. 4-1. AUTHORITY OF THE BUILDING OFFICIAL.** The City shall have a Building Official responsible for the administration, interpretation, application, and enforcement of all building, plumbing, mechanical, electrical, and health codes adopted by the City. The Building Official shall oversee whatever staff are determined necessary in furtherance of those functions and shall have whatever additional authority granted by the provisions of this Chapter.

**SEC. 4-2. BUILDING CODES ADOPTED.** The 2021 editions of the following international codes are hereby adopted by reference and shall serve collectively as the local building code of the City subject to amendments: the International Building Code, the International Residential Code, the International Existing Building Code, the International Energy Conservation Code, and the International Property Maintenance Code.

**SEC. 4-3. PLUMBING CODES ADOPTED.** The most recent edition of the Illinois Plumbing Code shall apply to the installation, alteration, repair, relocation, addition, replacement, and maintenance of plumbing systems regulated by the Illinois Plumbing Code. The 2021 edition of the International Plumbing Code and the 2021 edition of the International Fuel Gas Code shall apply to any and all plumbing and piping systems not regulated by the Illinois Plumbing Code. These codes are hereby adopted by reference and shall serve collectively as the local plumbing code of the City subject to amendments.

**SEC. 4-4. MECHANICAL AND HVAC CODES ADOPTED.** The 2021 editions of the International Mechanical Code and the International Fuel Gas Code are hereby adopted by reference and shall serve collectively as the local mechanical and HVAC (heating, ventilation, and air conditioning) code of the City subject to amendments.

**SEC. 4-5. ELECTRICAL CODES ADOPTED.** The 2020 edition of the National Electrical Code (NEC), otherwise known as NFPA 70-2020, is hereby adopted by reference and shall serve as the local electrical code of the City subject to amendments.

**SEC. 4-6. HEALTH CODES ADOPTED.** The City hereby adopts a local health code and incorporates it herein as Article X of this Chapter. The most recent version of the United States Food & Drug Administration (FDA) Food Code adopted by the State of Illinois is also hereby adopted by the City. Said codes shall be applicable to all residential and commercial properties within the City.

**SEC. 4-7. CODE AMENDMENTS ADOPTED.** The City may adopt amendments to the above described codes by reference. Said amendments shall be maintained as a publicly available appendix by the Building Official.

SEC. 4-8. DEFINITIONS. The terms used in this chapter shall have the same definitions as those used in the codes hereby adopted unless otherwise specified in a given article.

SEC. 4-9. CODE ENFORCEMENT AUTHORITY. The City hereby adopts the provisions of 65 ILCS 5/1-2.1, *Administrative Adjudications*, and 65 ILCS 5/11-31.1, *Building Code Violations*, as they may be amended from time to time. The Building Official and any staff under their supervision with the requisite qualifications shall be considered “building inspectors” responsible for enforcement of the adopted codes of this article as provided for in the above referenced Illinois statutes.

## **ARTICLE II: INSPECTIONS COMMISSION**

SEC. 4-10. CREATION OF COMMISSION. There is created an Inspections Commission to assist the City in the development and enforcement of building and health codes. The Commission shall consist of nine (9) members appointed by the Mayor with the consent of the City Council. Five (5) members of the Commission shall constitute a quorum. The Commission members shall be broadly representative of the building trades including general construction; electrical; plumbing; and HVAC (heating, ventilation, and air conditioning). The Commission shall also include at a minimum one (1) restaurant owner or operator and one (1) residential landlord.

SEC. 4-11. DUTIES OF COMMISSION. The Inspections Commission shall possess advisory powers only except in regards to their role as a code appeals board. The Commission’s duties shall include:

- A. Soliciting community input on the adoption and development of codes;
- B. Advising the Mayor and City Council on building trades and matters to do with property management;
- C. Acting as a liaison between the City, agencies, associations, and residents relative to programs and activities;
- D. Making recommendations on the development of new programs and activities;
- E. Monitoring and evaluating programs and activities; and
- F. Acting as a quasi-adjudicative board of appeals when a property owner or tradesperson dispute the meaning or intent of an adopted code of the City including the building, electrical, plumbing, HVAC, or health codes. Appeals must be submitted to the City in writing no more than thirty (30) days following the issuance of a written code interpretation or decision by the Building Official. Appeals shall be heard by the Commission within thirty (30) days or at their next regularly scheduled meeting following the receipt of the appeal. A ruling on the appeal by the Commission shall constitute a final administrative decision by the City.

SEC. 4-12. OFFICERS. The Commission shall have a Chair and a Vice Chair elected by the Commission who shall each serve a term of one (1) year and shall be eligible for reelection. The Chair shall preside over meetings. In the absence of the Chair, the Vice Chair shall perform the duties of the Chair. If both are absent, a temporary Chair shall

be elected by those present. The Building Official or their designee shall serve as Secretary to the Commission and be responsible for preparing and publishing agendas and meeting minutes.

SEC. 4-13. MEETINGS. The Commission shall schedule regular meetings on a monthly basis. Meetings may be cancelled for lack of business. Additional meetings may be called when needed. All meetings shall be run in accordance with the most recent edition of Robert's Rules of Order as well as all applicable local, state, and Federal codes.

SEC. 4-14. TERMS OF APPOINTMENT.

- A. The Commission members shall be divided into three (3) groups and initially appointed for terms of one (1), two (2), and three (3) years respectively. Thereafter, members shall be eligible to serve three (3) year terms. Members may serve two (2) consecutive terms (including the initial appointment term) before being required to take at least one (1) year off of the Commission. They may thereafter serve again.
- B. During the interval between appointments, any vacancy occurring on the Commission shall be filled by the Mayor with the consent of the City Council. Each member chosen to fill a vacancy shall hold office for the remainder of the unexpired term being occupied.
- C. A member may be removed from the Commission, with or without cause, by a two-thirds (2/3) majority vote of the Commission. Any member who does not attend at least two-thirds (2/3) of the meetings in any twelve (12) month period (or, if not in office for the entire period, such portion of the period that the member was in office) shall be automatically deemed to have resigned from the Commission unless waived by the affirmative two-thirds (2/3) majority vote of the Commission.

**ARTICLE III. CONTRACTOR REGISTRATION**

SEC. 4-15. REGISTRATION REQUIRED. Any and all persons, firms, partnerships, corporations, or other legal entities engaged in any building, plumbing, mechanical, or electrical activities regulated under the codes adopted in this chapter shall be required to register with the City as a contractor. It shall be unlawful for any person, firm, partnership, corporation, or other legal entity to operate as a contractor within the City without first registering as such. Registration cannot be transferred from one contractor to another. Registration shall be required on an annual basis and shall include any necessary updated information. Compliance with all other applicable local, State, and Federal law, including requirements to be additionally registered and licensed by other government agencies or professional associations, shall be required.

SEC. 4-16. REGISTRATION EXEMPTION. Owner-occupants of single-family houses shall be exempt from registration as a contractor when undertaking work at their own property. However, the Building Official may require proof of sufficient experience, practical knowledge, and other qualifications to ensure the work is performed in a

manner that safeguards life and property. Owner-occupants exempt from registration under this section shall not be exempt from the requirement to secure permits, have their work inspected, and achieve compliance with all applicable codes. Owners of buildings not classified as single-family dwellings may perform non-structural or cosmetic work on their own properties without registration with the approval of the Building Official. The Building Official may require registration if it is determined that the scope of activities exceed the limitations of this exemption.

**SEC. 4-17. REGISTRATION APPLICATION.** Each applicant for registration or registration renewal shall provide their full name, mailing address, electronic mailing address, and phone number. In the case of a limited liability company (LLC) or similar legal entity, all registered agents shall be identified as well as the registered office in addition to the above described contact information. Applicants shall also provide a surety bond not less than ten thousand dollars (\$10,000) and copies of any other registration and licensing from other government agencies or professional associations as required.

**SEC. 4-18. REGISTRATION SUSPENSION.** The Building Official may suspend a contractor's registration for just cause. Suspension shall mean that it is unlawful for the contractor to begin any new work within the City and shall not be granted any new permits. Notice of suspension shall be made in writing. There shall be no fine assessed for suspension. The decision by the Building Official to suspend a contractor's registration shall involve a holistic evaluation of the severity of citations, the history of citations at any other properties at which they have done work, the contractor's failure to pull permits and have work inspected, and any unpaid fees or fines owed to the City. The intent of suspension shall be to encourage a contractor to complete ongoing projects in a code-compliant manner, submit plans for review and pull permits as required, and pay any fees or fines owed to the City in full. Suspension is intended as a temporary status, but should a contractor remain in a state of suspension for twelve (12) or more months, the Building Official may consider that as justification to revoke their registration. Suspension may be appealed to the Inspection Commission.

**SEC. 4-19. REGISTRATION REVOCATION.** The Building Official may revoke a contractor's registration. The process for revocation and appeal is as follows.

- A. A decision to revoke a contractor's registration shall be made based upon a holistic evaluation of the severity of citations, the history of citations at various properties, and the contractor's license having been suspended for twelve (12) or more months. Failure to pull permits and have work inspected at properties where the contractor has worked shall also be considered.
- B. The contractor may appeal the revocation to the Inspections Commission by submitting the appeal in writing within fifteen (15) days of the registration revocation. If an appeal is so submitted, the revocation shall be temporarily stayed. The Inspections Commission shall hold a hearing at their next regularly scheduled meeting to consider the appeal. The Commission shall consider any ongoing enforcement actions being taken by the City regarding properties at which the contractor has worked, the severity of the code violations that have

been cited, and the overall history of work at said properties. The Commission shall hear from both the Building Official or designee and the contractor at the hearing before voting whether or not to grant the appeal.

- C. A decision made by the Commission may be appealed by the contractor to the City Council in writing within fifteen (15) days of the Commission's decision. The Council shall hold a hearing at their next regularly scheduled meeting to consider the appeal. The Council shall make the final administrative decision.
- D. Once revoked, the contractor shall be ineligible to register for a period of one year and prohibited from working as such within the City. Any contractor violating the provisions of this section shall be deemed guilty of violating the building code and penalized as such.
- E. A notice stating that the contractor's registration has been revoked shall be made available to the public. Said notice shall advise the public that said contractor is not registered and cannot legally work as a contractor in the City.
- F. Nothing in this section shall supersede other articles that empower the City to take more immediate action to protect public safety or when life-threatening conditions exist. The respective enforcement procedures and associated timelines for compliance pertaining to other codes adopted by the City shall also not be superseded by this article.

SEC. 4-20. REGISTRATION AS GENERAL CONTRACTOR. All applicants shall meet the following requirements and provide the following documentation.

- A. A license/permit bond in the amount of ten thousand dollars (\$10,000). The bond shall be continuous until canceled by written notice.
- B. Proof of Insurance covering the amount of \$100,000.00 for each occurrence of property damage; and the amount of \$300,000.00 for each occurrence of personal injury or bodily harm. Proof shall be a certificate of insurance listing the City of Rock Island as the certificate holder. Cancellation of such policy shall be provided by written notice to the Building Official at least thirty (30) days prior to the date of cancellation.
- C. Proof of workers' compensation insurance or proof that the registrant is an approved self-insurer of works compensation. Proof shall either be the Certificate of Insurance from the insurance provider or the Certificate of Approval as a self-insurer issued by the Illinois Workers Compensation Commission. Registrants that have no employees shall not be required to provide proof of workers compensations. A written statement shall accompany the registration affirming the registrant has no employees.
- D. Registrants shall provide a copy of their State of Illinois Roofing License. General contractors shall not be allowed to engage in the business of roofing or receive a permit to perform such work unless licensed or certified as a roofing contractor under the Roofing Industry Licensing Act (225 ILCS 335/1 et seq.), or unless exempted from the licensing requirements.

SEC. 4-21. REGISTRATION AS PLUMBING CONTRACTOR. All applicants shall be licensed as a plumber in the State of Illinois in compliance with the Plumbing License Law (225 ILCS 320/1 et seq.) unless otherwise exempted by said law. All applicants

shall provide a State of Illinois plumbing license for their respective business or corporation (055 License) as well as the plumbing license for the respective individuals applying (058 License).

**SEC. 4-22. REGISTRATION AS MECHANICAL AND HVAC CONTRACTOR.** All applicants shall provide a Mechanical/HVAC License. Applicants providing a Mechanical/HVAC license or registration from another Illinois municipality shall also provide an affidavit verifying a minimum of five (5) years as a mechanical contractor. Persons, firms, partnerships and corporations that have taken and passed a master's examination must provide proof of a passing grade, and the a current copy of their licensing. In addition, they shall meet the following requirements and provide the following documentation.

- A. A License/Permit bond in the amount of ten thousand dollars (\$10,000). The bond shall be continuous until canceled by written notice.
- B. Proof of insurance covering the amount of \$100,000.00 for each occurrence of property damage; and the amount of \$300,000.00 for each occurrence of personal injury or bodily harm. Proof shall be a certificate of insurance listing the City of Rock Island as the certificate holder. Cancellation of such policy shall be provided by written notice to the office of the building official at least thirty (30) days prior to the date of cancellation.
- C. Proof of workers' compensation insurance or proof that the registrant is an approved self-insurer of works compensation. Proof shall either be the Certificate of Insurance from the insurance provider or the Certificate of Approval as a self-insurer issued by the Illinois Workers Compensation Commission. Registrants that have no employees shall not be required to provide proof of workers compensations. A written statement shall accompany the registration affirming the registrant has no employees.

**SEC. 4-23. REGISTRATION AS ELECTRICAL CONTRACTOR.** All applicants must provide a current Electrical License. Applicants providing an electrical license or registration from another Illinois municipality shall also provide an affidavit verifying a minimum of five (5) years as an electrical contractor. Persons, firms, partnerships and corporations that have taken and passed a master's examination must provide proof of a passing grade, and the a current copy of their licensing. In addition, they shall meet the following requirements and provide the following documentation. A current Master Electrician License from another U.S. state may also be accepted for registration, provided the licensing standards are deemed substantially equivalent and approved by the Building Official. In addition, they shall meet the following requirements and provide the following documentation. All electrical work performed under the contractor's registration must be completed by individuals holding a valid electrical license issued by the State of Illinois, another Illinois municipality, or a U.S. state with equivalent licensing standards. A licensed individual may directly supervise up to two (2) unlicensed apprentices or laborers, provided they are physically present on the job site at all times while work is being performed.

- A. Insurance covering the amount of \$100,000.00 for each occurrence of property damage; and the amount of \$300,000.00 for each occurrence of personal injury or bodily harm. Proof shall be a certificate of insurance listing the City of Rock Island as the certificate holder. Cancellation of such policy shall be provided by written notice to the office of the building official at least thirty (30) days prior to the date of cancellation.
- B. Proof of workers' compensation insurance or proof that the registrant is an approved self-insurer of works compensation. Proof shall either be the Certificate of Insurance from the insurance provider or the Certificate of Approval as a self-insurer issued by the Illinois Workers Compensation Commission. Registrants that have no employees shall not be required to provide proof of workers compensations. A written statement shall accompany the registration affirming the registrant has no employees.

#### **ARTICLE IV. PERMITS & INSPECTIONS**

SEC. 4-24. PERMITS REQUIRED. Unless otherwise stated in the adopted codes, it shall be the assumption that all work requires a permit except when it is of a purely cosmetic, non-structural nature as determined by the Building Official. Such determinations made by the Building Official may be appealed to the Inspections Commission. Such an appeal shall be processed in the same manner as an appeal on a code interpretation would be.

SEC. 4-25. PERMIT APPLICATION. Each applicant for a permit shall provide their full name, mailing address, electronic mailing address, and phone number. In the case of a limited liability company (LLC) or similar legal entity, all registered agents shall be identified as well as the registered office in addition to the above described contact information. In a manner prescribed by the Building Official, the applicant shall provide the exact location of their respective undertaking, a detailed scope of work, associated cost estimates, and approximate project timeline. Issuance of permits may require plans prepared by licensed architects, engineers, or similar professionals when so determined by the Building Official. When such plans are required, the applicant shall not be required to pay for their permit until plan review is completed and said plans have been approved. Plans so approved may be revised at a later time without the need for new permit in consultation with the Building Official or designees. Permits shall be valid for six (6) months but may be extended at the discretion of the Building Official or designee.

SEC. 4-26. PERMIT DISPLAYED. Any and all permits issued must be conspicuously displayed at the work site in a window, on a door, or in any other location clearly visible from the public right-of-way.

SEC. 4-27. INSPECTIONS. All work permitted under this chapter shall require inspected upon completion for code compliance. Additional inspections may be required at different stages of work depending on the scale and complexity of the undertaking. A schedule of inspections shall be made known to any permit applicant at the time of permitting.

SEC. 4-28. INSPECTION ACCESS. All properties for which permits have been secured under this chapter shall be subject to inspection by the City upon reasonable notice to the contractor or property owner. The contractor and/or property owner shall be present in person for all inspections having been given reasonable notice. Failure to be present shall constitute missing an inspection. Missing an inspection three or more times during the period that the respective permit is active may be used by the Building Official as justification for license suspension or revocation. If any contractor or property owner fails or refuses to consent to free access and entry to the property by the City, the City may apply to the circuit court for an appropriate order authorizing such access. Refusal by a contractor or property owner to provide access to a property may be used by the Building Official as justification for license suspension or revocation.

SEC. 4-29. STOP WORK ORDERS. Any work being undertaken without a permit shall be considered a violation of this chapter and necessitate the issuance of a Stop Work Order by the Building Official or designee. Continuing work after a Stop Work Order has been issued shall result in a doubled permit fee and a fine of one hundred and fifty dollars (\$150). If the required permits are obtained within forty-eight (48) hours of issuance of the Stop Work Order, however, the doubled permit fee and fine may be waived at the discretion of the Building Official.

SEC. 4-30. BUILDING DEMOLITION REQUIREMENTS. It is the policy of the City that buildings shall be demolished in a manner that allows for reasonable future redevelopment of the resulting site. To that end, the following shall be required for all demolitions undertaken and confirmed through inspection.

- A. For one- and two-unit residential structures as well as for any structure residential or otherwise in a residential zoning district, the entirety of building elements below grade shall be removed from the site as part of the demolition. This shall include but not be limited to foundation walls, footings, basement floors, and any other related structures or materials. Following an inspection by the City confirming that such structures and materials have been removed, the site shall be backfilled with clean-fill material. Aggregate shall measure no more than four inches (4") in diameter. The site shall be compacted sufficiently to prevent future subsistence with one foot (1') of topsoil covering the excavation area. It shall also be graded to match the surrounding site topography and seeded with turf grass.
- B. For all other structures not included above, all structures and materials four feet (4') below grade shall be removed from the site as part of the demolition. If a basement floor is present, said basement floor shall either be removed in its entirety or broken up into sections not greater than one square yard to allow for proper groundwater drainage. Following an inspection by the City confirming that such structures and materials have been removed up to four feet (4') below grade, the site shall be backfilled with clean fill material. Aggregate shall measure no more than four inches (4") in diameter. The site shall be compacted sufficiently to prevent future subsistence with one foot (1') of topsoil covering the excavation area. It shall also be graded to match the surrounding site topography

and seeded with turf grass. If any part of the foundation is going to be left four feet (4') below ground level, a site plan that displays the building's footprint needs to be submitted to the City.

- C. The utility provider shall remove gas and electric services. Water service and sewer lines shall be disconnected at the City main.

**ARTICLE V. FEES & FINES**

SEC. 4-31. FEES IN GENERAL. It is the policy of the City that reasonable fees shall be charged for services to offset the cost of operations. The fees in this chapter may be reviewed and amended periodically upon the recommendation of the Building Official and with the approval of the City Council. Unless otherwise stated, any violations of this code shall be met with fines as detailed in section 10-107.11 "Schedule of Penalties for Ordinance Violations" of the Code of Ordinances.

SEC. 4-32. BUILDING PERMIT FEES. The value used to determine the cost of the building permit is the total replacement value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems, contractor overhead, and profit. Not included in the total value is land acquisition cost, grading and excavation work, paving, exterior sidewalks, and site work such as the installation of City-required infrastructure. Plan review may be conducted by third-party consultant when deemed necessary or prudent by the Building Official. In such case, the plan review fee shall be the actual cost of the plan review as charged to the City by said third-party consultant. Fees are as follows.

U.S. DOLLAR VALUATION	PERMIT FEE	PLAN REVIEW FEE
1 - 500	\$27.50	\$90.00 if applicable
501 - 600	\$30.80	\$90.00 if applicable
601 - 700	\$34.10	\$90.00 if applicable
701 - 800	\$37.40	\$90.00 if applicable
801 - 900	\$40.70	\$90.00 if applicable
901 - 1,000	\$44.00	\$90.00 if applicable
1,001 - 1,100	\$47.30	\$90.00 if applicable
1,101 - 1,200	\$50.60	\$90.00 if applicable
1,201 - 1,300	\$53.90	\$90.00 if applicable
1,301 - 1,400	\$57.20	\$90.00 if applicable
1,401 - 1,500	\$60.50	\$90.00 if applicable
1,501 - 1,600	\$63.80	\$90.00 if applicable
1,601 - 1,700	\$67.10	\$90.00 if applicable
1,701 - 1,800	\$70.40	\$90.00 if applicable
1,801 - 1,900	\$73.70	\$90.00 if applicable
1,901 - 2,000	\$77.00	\$90.00 if applicable
2,001 - 3,000	\$92.15	\$90.00 if applicable
3,001 - 4,000	\$107.30	\$90.00 if applicable

4,001 - 5,000	\$122.45	\$90.00 if applicable
5,001 - 6,000	\$137.60	\$90.00 if applicable
6,001 - 7,000	\$152.75	\$90.00 if applicable
7,001 - 8,000	\$167.90	\$90.00 if applicable
8,001 - 9,000	\$183.05	\$90.00 if applicable
9,001 - 10,000	\$198.20	\$90.00 if applicable
10,001 - 11,000	\$213.35	\$90.00 if applicable
11,001 - 12,000	\$228.50	\$90.00 if applicable
12,001 - 13,000	\$243.65	\$90.00 if applicable
13,001 - 14,000	\$258.80	\$90.00 if applicable
14,001 - 15,000	\$273.95	\$90.00 if applicable
15,001 - 16,000	\$289.10	\$90.00 if applicable
16,001 - 17,000	\$304.25	\$90.00 if applicable
17,001 - 18,000	\$319.40	\$90.00 if applicable
18,001 - 19,000	\$334.55	\$90.00 if applicable
19,001 - 20,000	\$349.70	\$90.00 if applicable
20,001 - 21,000	\$364.85	\$90.00 if applicable
21,001 - 22,000	\$380.00	\$90.00 if applicable
22,001 - 23,000	\$395.15	\$90.00 if applicable
23,001 - 24,000	\$410.30	\$90.00 if applicable
24,001 - 25,000	\$425.45	\$90.00 if applicable
25,001 - 26,000	\$436.35	\$109.09
26,001 - 27,000	\$447.25	\$111.81
27,001 - 28,000	\$458.15	\$114.54
28,001 - 29,000	\$469.05	\$117.26
29,001 - 30,000	\$479.95	\$119.99
30,001 - 31,000	\$490.85	\$122.71
31,001 - 32,000	\$501.75	\$125.44
32,001 - 33,000	\$512.65	\$128.16
33,001 - 34,000	\$523.55	\$130.89
34,001 - 35,000	\$534.45	\$133.61
35,001 - 36,000	\$545.35	\$136.34
36,001 - 37,000	\$556.25	\$139.06
37,001 - 38,000	\$567.15	\$141.79
38,001 - 39,000	\$578.05	\$144.51
39,001 - 40,000	\$588.95	\$147.24
40,001 - 41,000	\$599.85	\$149.96
41,001 - 42,000	\$610.75	\$152.69
42,001 - 43,000	\$621.65	\$155.41
43,001 - 44,000	\$632.55	\$158.14
44,001 - 45,000	\$643.45	\$160.86
45,001 - 46,000	\$654.35	\$163.59
46,001 - 47,000	\$665.25	\$166.31
47,001 - 48,000	\$676.15	\$169.04
48,001 - 49,000	\$687.05	\$171.76

49,001 - 50,000	\$697.95	\$174.49
50,001 - 51,000	\$705.55	\$176.39
51,001 - 52,000	\$713.15	\$178.29
52,001 - 53,000	\$720.75	\$180.19
53,001 - 54,000	\$728.35	\$182.09
54,001 - 55,000	\$735.95	\$183.99
55,001 - 56,000	\$743.55	\$185.89
56,001 - 57,000	\$751.15	\$187.79
57,001 - 58,000	\$758.75	\$189.69
58,001 - 59,000	\$766.35	\$191.59
59,001 - 60,000	\$773.95	\$193.49
60,001 - 61,000	\$781.55	\$195.39
61,001 - 62,000	\$789.15	\$197.29
62,001 - 63,000	\$796.75	\$199.19
63,001 - 64,000	\$804.35	\$201.09
64,001 - 65,000	\$811.95	\$202.99
65,001 - 66,000	\$819.55	\$204.89
66,001 - 67,000	\$827.15	\$206.79
67,001 - 68,000	\$834.75	\$208.69
68,001 - 69,000	\$842.35	\$210.59
69,001 - 70,000	\$849.95	\$212.49
70,001 - 71,000	\$857.55	\$214.39
71,001 - 72,000	\$865.15	\$216.29
72,001 - 73,000	\$872.75	\$218.19
73,001 - 74,000	\$880.35	\$220.09
74,001 - 75,000	\$887.95	\$221.99
75,001 - 76,000	\$895.55	\$223.89
76,001 - 77,000	\$903.15	\$225.79
77,001 - 78,000	\$910.75	\$227.69
78,001 - 79,000	\$918.35	\$229.59
79,001 - 80,000	\$925.95	\$231.49
80,001 - 81,000	\$933.55	\$233.39
81,001 - 82,000	\$941.15	\$235.29
82,001 - 83,000	\$948.75	\$237.19
83,001 - 84,000	\$956.35	\$239.09
84,001 - 85,000	\$963.95	\$240.99
85,001 - 86,000	\$971.55	\$242.89
86,001 - 87,000	\$979.15	\$244.79
87,001 - 88,000	\$986.75	\$246.69
88,001 - 89,000	\$994.35	\$248.59
89,001 - 90,000	\$1,001.95	\$250.49
90,001 - 91,000	\$1,009.55	\$252.39
91,001 - 92,000	\$1,017.15	\$254.29
92,001 - 93,000	\$1,024.75	\$256.19
93,001 - 94,000	\$1032.35	\$258.09

94,001 - 95,000	\$1039.95	\$259.99
95,001 - 96,000	\$1,047.55	\$261.89
96,001 - 97,000	\$1,055.15	\$263.79
97,001 - 98,000	\$1,062.75	\$265.69
98,001 - 99,000	\$1,070.35	\$267.59
99,001 - 100,000	\$1,077.95	\$269.49
100,001 - 500,000	\$1,077.95 plus \$6.05 for each additional \$1,000 or fraction thereof	25% of the Building Permit Fee
500,001 - 1,000,000	\$3,497.95 plus \$5.20 for each additional \$1,000 or fraction thereof	25% of the Building Permit Fee
1,000,001 and above	\$6,097.95 plus \$3.30 for each additional \$1,000 or fraction thereof.	25% of the Building Permit Fee

**SEC. 4-33. PLUMBING PERMIT FEES.**

- A. Minimum fee for any plumbing or piping permit: \$30.00.
- B. Re-inspection fees (one (1) hour minimum): \$55.00.
- C. Each fixture: \$13.00. Stools, urinals, sinks, tubs, showers, water heaters, floor drains, area drains, roof drains, catch basins, automatic ice makers, automatic dishwashers, etc.
- D. Each connection: \$25.00. To city or private water mains, sanitary sewer mains, or storm water mains.
- E. Each sprinkler head, flow valve, and control valve: \$2.20. In an automatic fire protection sprinkler system.
- F. Each cross-connection-control device: \$25.00.
- G. Fuel gas piping outlet: \$7.50. Each appliance, stub out for future appliance, regulator vent, etc.
- H. Utility turn on (reconnect services-gas pressure test): \$50.00.
- I. Other inspections and fees:
  - a. Inspections outside normal business hours (two (2)-hour minimum fee): \$55.00 per hour or the total hourly cost to the jurisdiction, whichever is greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.
  - b. Re-inspection fees (one (1)-hour minimum): \$55.00 per hour or the total hourly cost to the jurisdiction, whichever is greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved).
  - c. Inspections for which no fee is specifically indicated (one (1)-hour minimum): \$55.00 per hour or the total hourly cost to the jurisdiction, whichever is greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved. Additional plan review required by changes, additions, or revisions to plans (one (1)-hour minimum): \$55.00 or the total hourly cost to the jurisdiction, whichever is greatest. This cost shall include supervision,

overhead, equipment, hourly wages, and fringe benefits of the employees involved. Use of outside consultants for plan review or inspections or both: Actual costs, including administrative and overhead costs.

#### SEC. 4-34. MECHANICAL PERMIT FEES.

- A. Minimum fee for any mechanical permit: \$30.00.
- B. Re-inspection fees (one (1) hour minimum): \$55.00.
- C. Calculation of mechanical permits: \$30 application fee + 1% of total job valuation.  
Note: Valuation is based on all material and labor for which the permit is issued. When the value of labor and material are in question, valuation will be determined by the Building Official.
- D. Commercial structures: \$30 application fee + 1% of total job valuation up to \$300,000.00. (Valuation at \$300,001.00 and above - \$30 application fee + 1/2% of total job valuation.)
- E. PSI test and inspection to reconnect gas (gas pressure): \$50.00.
- F. Other inspections and fees:
  - i. Inspections outside normal business hours (two (2)-hour minimum fee): \$55.00 per hour or the total hourly cost to the jurisdiction, whichever is greatest. The cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.
  - ii. Re-inspection fees (1-hour minimum): \$55.00 per hour or the total hourly cost to the jurisdiction, whichever is greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.
  - iii. Inspections for which no fee is specifically indicated (one (1)-hour minimum): \$55.00 per hour or the total hourly cost to the jurisdiction, whichever is greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.
  - iv. Additional plan review required by changes, additions, or revisions to plans (one (1)-hour minimum): \$55.00 or the total hourly cost to the jurisdiction, whichever is greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.
  - v. Use of outside consultants for plan review or inspections or both: Actual costs, including administrative and overhead costs. (Ord. 030-2019, 6-10-2019)

#### SEC. 4-35. ELECTRICAL PERMIT FEES.

- A. Minimum fee for any electrical permit: \$30.00.
- B. Re-inspection fees (one (1) hour minimum): \$55.00.
- C. New construction: \$30 application fee + 1% of total job valuation. (No additional fees for entrance service or temporary service).
- D. Commercial structures: \$30 application fee + 1% of total job valuation up to \$300,000.00. (Valuation at \$300,001.00 and above - \$30 application fee + 1/2% of total job valuation.)

- E. Rewiring: \$30 application fee + 1% of total job valuation. (No additional fee for new/upgraded entrance service if part of project.)
- F. Additions to existing structures: \$30 application fee + 1% of total job valuation. (Includes wiring of previously unwired/minimally wired basements, multi-season porches, attached garages, etc.)
- G. Note: Valuation is based on all material and labor for which the permit is issued. When the value of labor and material are in question, valuation will be determined by the Building Official.
- H. Replace/upgrade entrance service: \$50.00.
- I. Temporary service: \$35.00.
- J. Electrical utility turn-on: \$50.00 per meter set for services that are abandoned.
- K. Low voltage wiring: \$35.00 minimum fee required unless this work is done in conjunction with other electrical work done under permit by a registered electrical contractor.
- L. Other inspections and fees:
  - a. Inspections outside normal business hours (two (2)-hour minimum fee): \$55.00 per hour or the total hourly cost to the jurisdiction, whichever is greatest. The cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.
  - b. Re-inspection fees (one (1)-hour minimum): \$55.00 per hour or the total hourly cost to the jurisdiction, whichever is greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.
  - c. Inspections for which no fee is specifically indicated (one (1)-hour minimum): \$55.00 per hour or the total hourly cost to the jurisdiction, whichever is greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.
  - d. Additional plan review required by changes, additions, or revisions to plans (one (1)-hour minimum): \$55.00 or the total hourly cost to the jurisdiction, whichever is greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.
  - e. Use of outside consultants for plan review or inspections or both: Actual costs, including administrative and overhead costs.

**SEC. 4-36. FIRE SAFETY PLAN REVIEW FEES.**

- A. Fire Sprinkler Residential: \$50.00.
- B. Fire Sprinkler Commercial: \$100.00.
- C. Fire Alarm System: \$100.00.
- D. Type I Commercial Kitchen Hood: \$50.00.
- E. Miscellaneous: \$25.00/hour (minimum one (1) hour).

**SEC. 4-37. SIGN PERMIT FEES.**

U. S. DOLLAR VALUATION OF SIGN	PERMIT FEE
1 - 1,000	\$35.00

1,001 - 2,000	\$51.50
2,001 - 3,000	\$68.00
3,000 - 4,000	\$84.50
4,001 - 5,000	\$101.00
5,001 - 6,000	\$117.50
6,001 - 7,000	\$134.00
7,001 -8,000	\$150.50
8,001 - 9,000	\$167.00
9,001 - 10,000	\$183.50
10,000 or more	\$183.50 plus \$55.00 for each additional \$10,000 in sign valuation or fraction thereof.

**SEC. 4-38. OTHER PERMIT FEES.**

- A. Moving a building: \$165.00.
- B. Moving a garage that is accessory to a one (1) or two (2) family dwelling: \$55.00.
- C. Demolition of a one (1) or two (2) family dwelling: \$55.00.
- D. Demolition of a building that is not a one (1) or two (2) family dwelling: \$110.00 for the first story and \$27.50 each additional story.
- E. Residential swimming pools: \$27.50.
- F. Residential storage tanks: \$55.00.
- G. Inspection requests outside of normal business hours: (two (2)-hour minimum fee) 55.00/hour.
- H. Re-Inspection fees (after two (2) failed inspections for the same item/trade): \$55.00.
- I. Special Inspections (at the discretion of the Building Official): \$55.00/hour.

**ARTICLE VI. RENTAL PROPERTIES**

**SEC. 4-39. PURPOSE.** The purpose of this article is to protect the health and safety of the public through the registration and management of both short- and long-term rental housing. It is intended to ensure compliance with all applicable codes including the most recently adopted version of the International Property Maintenance Code (IPMC).

**SEC. 4-40. DEFINITIONS.** The terms used in this article shall have the same definitions as those used in the International Property Maintenance Code (IPMC) unless otherwise specified.

- A. **Short-Term Rental:** Any rental property where the term of the rental is less than thirty (30) days in duration. This shall not include hotels, motels, or bed and breakfast establishments.
- B. **Long-Term Rental:** Any rental property where the term of the rental is thirty (30) days or more in duration. This shall not include extended-stay hotels, motels, or bed and breakfast establishments. Dormitories associated with a college, university, or similar institution of higher learning as well as nursing homes, retirement centers, rest homes, and any similar accommodations subject to licensing and inspection by

the State or Federal governments shall not be considered long-term rental properties subject to this article.

C. Minor Infraction: In addition to items specified elsewhere in this article, minor infractions shall include violation of IPMC sections 304.13, 305.4, 305.3, 404.2, 503.1, 304.2, 304.3, 304.8, 302.1, 308.1, 308, 302.3, 302.4, 302.9, and 302.2.

D. Moderate Infraction: In addition to items specified elsewhere in this article, moderate infractions shall include violations of IPMC sections 404.4.1, 504.1, 302.5, 309, 402.2, 402.3, 605.3, 605.2, 402.1, 403.1, 302.6, 605.2, 505.1, 506.2, 403.5, 505.4, 403.2, 304.4, 304.5, 304.6, 304.7, 304.9, 302.7, 303.2, and 303.1.

E. Major Infraction: In addition to items specified elsewhere in this article, major infractions shall include violations of IPMC sections 504.3, 603.1, 604.1, 604.3, 702.4, 702.3, 702.4, 704, 603.1.2, 602.3 and 602.5 (October 1 through April 15), and 304.10.

**SEC. 4-41. LICENSE REQUIRED.** All rentals, both short- and long-term, shall require a license issued by the City in order to operate. It shall be unlawful for any person, firm, partnership, corporation, or other legal entity to operate, maintain, or offer for rent within the City a residential property without first obtaining such a license. Licenses cannot be transferred from one property to another nor from one property owner to another. A license renewal shall also be required on an annual basis and shall include any necessary updated information. Compliance with all other applicable local, State, and Federal law shall be required.

**SEC. 4-42. LICENSE EXEMPTION.** No personal or professional relationship between a property owner and a tenant shall exempt the subject property from license and registration. The amount of rent paid by a tenant to a property owner shall have no bearing on the requirement that a property be licensed and registered. Rent-to-own or lease purchase properties, however, shall not require a rental license provided that the relevant agreement between parties establishes the purchaser's equitable interest in such property and said agreement is recorded with the County Recorder's Office.

**SEC. 4-43. LICENSE APPLICATION.** Each applicant for a license or license renewal shall provide their full name, mailing address, electronic mailing address, phone number, and proof of ownership. In the case of a limited liability company (LLC) or similar legal entity, all registered agents shall be identified as well as the registered office in addition to the above described contact information. Each applicant shall also be required to identify a property manager who will be responsible for the regular maintenance of the property. Such a person must reside or maintain an office within fifty (50) miles of the City measured from the municipal boundary. An owner who meets the requirements of this section as to location of residence or office may designate themselves as manager.

**SEC. 4-44. INSPECTIONS.** An initial inspection shall be required prior to the issuance of a license. The City shall determine if the rental property complies with all applicable municipal codes including the most recently adopted version of the International Property Maintenance Code (IPMC). If determined to comply, a license shall be issued

for the respective property. Licensed properties shall be inspected for ongoing compliance every five (5) years at a minimum, but may be inspected more frequently at the City's discretion following complaints or when property maintenance violations are observed or suspected.

**SEC. 4-45. INSPECTION ACCESS.** All rental properties licensed under this article shall be subject to inspection by the City upon reasonable notice to the property owner or their designee. The property owner and/or their property manager shall be present in person for all inspections having been given reasonable notice. Failure to be present shall constitute missing an inspection. Missing an inspection three or more times in a twelve-month period may be used by the Building Official as justification for license revocation. If any property owner, manager, tenant, occupant, or other person in control of the rental unit fails or refuses to consent to free access and entry to the property by the City, the City may apply to the circuit court for an appropriate order authorizing such access. Refusal by a property owner or their designee to provide access to a property may be used by the Building Official as justification for license revocation.

**SEC. 4-46. LICENSE DISPLAYED.** A copy of the rental license for a property must be on conspicuous display at the property for which it was issued. The license may be displayed within a unit or, in the case of multi-unit buildings, in a common area where all tenants and visitors to the property can reasonably see it. Failure to display the license shall be considered a minor infraction. Every month that there is a failure to display a license shall be considered a separate infraction. If a license is not on display for twelve or more months, the Building Official may use this as justification for license revocation.

**SEC. 4-47. PENALTY FOR VIOLATION.** See section 10-107.11 "Schedule of Penalties for Ordinance Violations" of this Code.

**SEC. 4-48. LICENSE SUSPENSION.** When the City becomes aware of code violations at a property, the property owner and/or their property manager shall be issued a notice of violation. A copy of said notice shall be posted on the entrance door to the dwelling unit or at the main common entrance in the case of a multi-unit dwelling. If the subject property is not brought into compliance within the time allotted by the citation, the Building Official may order that the property owner's rental license be suspended. Suspension of a license shall be considered a major infraction. Every month that a license remains suspended shall be considered a separate infraction. If a license is suspended for twelve or more months, the Building Official may use this as justification for license revocation.

**SEC. 4-49. LICENSE REVOCATION AND RENT ABATEMENT.** The Building Official may revoke a rental license and order the abatement of rents. The process for revocation and appeal is as follows.

- A. A decision to revoke a rental license shall be made based upon a holistic evaluation of the severity of citations, the history of citations at the subject property, the subject license having been suspended for twelve or more months, and the history of citations issued at other properties owned by the same

property owner. Failure to pull permits and have work inspected in the course of renovating or maintaining a property may also be considered.

- B. The property owner may appeal the revocation to the Inspections Commission by submitting the appeal in writing within fifteen (15) days of the license revocation. If an appeal is so submitted, the revocation shall be temporarily stayed. The Inspections Commission shall hold a hearing at their next regularly scheduled meeting to consider the appeal. The Commission shall consider any ongoing enforcement actions being taken by the City regarding the subject rental property, the severity of the code violations that have been cited, and the overall history of both the subject rental property and property owner in their capacity as a landlord in the course of their deliberations. The Commission shall hear from both staff and the property owner or their designee at the hearing before voting whether or not to grant the appeal.
- C. A decision made by the Commission may be appealed by the property owner to the City Council in writing within fifteen (15) days of the Commission's decision. The Council shall hold a hearing at their next regularly scheduled meeting to consider the appeal. The Council shall make the final administrative decision.
- D. Once revoked, the subject property shall be ineligible to receive a new rental license for as long as violations exist. An application for a new license may be accepted only after all such violations are resolved.
- E. A notice stating that the property's rental license has been revoked and rents are thereby abated shall be posted on the entrance door to the dwelling unit or at the main common entrance in the case of a multi-unit dwelling. Said notice shall advise tenants that the dwelling unit is not in compliance with local codes and cannot be legally offered for rent.
- F. Nothing in this section shall supersede other articles that empower the City to take more immediate action to protect public safety or when life-threatening conditions exist. The respective enforcement procedures and associated timelines for compliance pertaining to other codes adopted by the City shall also not be superseded by this article.

SEC. 4-50. FEES. Property owners shall pay the following license and inspections fees for both short- and long-term rental units. Short-term rentals may additionally be subject to hotel-motel taxes and fees.

License or Inspection	Fee
Application Fee for First Dwelling Unit	\$100
Application Fee Per Additional Dwelling Unit	\$15
Late Application or Late Renewal Fee	\$50
Missed Inspection or Re-Inspection Fee	\$50
Re-Inspection for Minor Infraction	\$100
Re-Inspection for Moderate Infraction	\$150
Re-Inspection for Major Infraction	\$200

SEC. 4-51. SEVERABILITY. If any section, subsection, paragraph, sentence, clause, or word of this article shall be held invalid, either on its face or as applies, the invalidity of such provision shall not affect the other sections, subsections, paragraphs, sentences, clauses or words of this article, and the application thereof; and to that end the sections, subsections, paragraphs, sentences, clauses, and words of this article shall be deemed severable.

SEC. 4-52. OTHER REMEDIES. Nothing in this article shall prevent the City from acting under any applicable City Code or ordinance for any violation thereof or limit the right or authority of the City to perform inspections based on a tenant complaint or to seek injunctive relief or other appropriate legal remedy for any violation of such Code or ordinance.

## **ARTICLE VII. FORECLOSED, VACANT, & ABANDONED PROPERTIES**

SEC. 4-53. PURPOSE. It is the purpose and intent of the City to establish a process to address the deterioration, crime, and decline in value of City neighborhoods caused by property with foreclosing or foreclosed mortgages located within the City, and to identify, regulate, limit and reduce the number of these properties located within the City. It has been determined that owner-occupied structures are generally better maintained when compared to vacant structures, even with a diligent off-site property owner. Vacant structures or structures owned by individuals who are economically strained and unable to meet their mortgage obligations are often not properly or diligently maintained, which contribute to blight, declined property values, and have a negative impact on social perception of the residential areas where they are located. It is the Council's further intent to establish a registration program as a mechanism to help protect neighborhoods from becoming blighted through the lack of adequate maintenance of properties that are in foreclosure or foreclosed, and to provide a mechanism to avert foreclosure actions through timely intervention, education, or counseling of property owners.

SEC. 4-54. DEFINITIONS. The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

- A. Abandoned Building shall mean any building or part of a building which has deteriorated to become a dangerous building, unsecured and open to trespass. Such a building cannot be lawfully occupied and must be declared vacant, and therefore it is a registrable property per this article. Such a building also constitutes a public nuisance.
- B. Boarded Building shall mean a building that has had, in a manner intended to be temporary or permanent, any or all of its openings covered by some material for the purpose of securing or preventing access or damage to the building or its components, whether such material is opaque, solid or transparent, and whether such material is affixed to the interior or exterior of the building. For the purpose of this definition, such openings shall include any doors, windows or other openings that exist for the purpose of providing light, ventilation, ingress and egress to the building or other access to a part or portion of the building.

- C. Code Official shall mean the Building Official or their designee. All references to the code official in this article shall be understood as such.
- D. Default shall mean that the mortgagor has not complied with the terms of the mortgage on the property, or the promissory note, or other evidence of the debt, referred to in the mortgage.
- E. Enforcement Officer shall mean any code official, law enforcement officer, building official, zoning inspector, fire inspector, building inspector, or other person authorized by the City to enforce the applicable code(s).
- F. Evidence of Vacancy shall mean any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not limited to: overgrown and/or dead vegetation; past due Utility notices and/or disconnected Utilities; accumulation of trash junk or debris; abandoned vehicles, auto parts and/or materials; the absence of furnishings and/or personal items consistent with habitation or occupancy; the presence of an unsanitary, stagnant swimming pool; the accumulation of newspapers, circulars, flyers and/or mail; statements by neighbors, passers-by, delivery agents or government agents; and/or the presence of boards over doors, windows or other openings in violation of applicable code.
- G. Foreclosure or Foreclosure Action shall mean the legal process by which a mortgagee, or other lien holder, terminates or attempts to terminate a property owner's equitable right of redemption to obtain legal and equitable title to the real property pledged as security for a debt or the real property subject to the lien. The legal process is not concluded until the property obtained by the mortgagee, lien holder, or their designee, by certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm's length transaction to satisfy the debt or lien.
- H. Mortgagee shall mean the creditor, including but not limited to, trustees; mortgage servicing companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests or obligations under the mortgage agreement; or any other person or entity with the legal right to foreclose on the real property, excluding governmental entities.
- I. Owner shall mean every person, entity, or mortgagee, who alone or severally with others, has legal or equitable title to any real property as defined by this article; has legal care, charge, or control of any such property; is in possession or control of any such property; and/or is vested with possession or control of any such property. The property manager shall not be considered the owner.
- J. Public Nuisance shall include but not be limited to the following:
  - 1. Any physical condition or use of any premises that is regarded as a public nuisance at common law, under the Illinois Compiled Statutes, or under this Code; or
  - 2. Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations, swimming pools, and unsafe fences or structures; or

3. Any building that has unsanitary sewerage or plumbing facilities; or
  4. Any building designated by the Building Official as unsafe for human habitation or use; or
  5. Any building that constitutes a fire hazard, or is unsafe or unsecure to a degree that endangers life, limb or property; or
  6. Any premises that is unsanitary, or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds; or
  7. Any building that is in a state of dilapidation, deterioration or decay; improperly constructed; unsecured; vacant and boarded; damaged by fire to the extent that it no longer provides shelter; in danger of collapse or structural failure; or danger to anyone on or near the premises; or
  8. Any premises that contains evidence of unlawful activity to a degree that such activity may endanger, threaten or otherwise negatively impact the users and value of adjacent premises; or
  9. Any building deemed to be a dangerous building under this section or by a similar definition elsewhere within this Code.
  10. Any building deemed to be abandoned.
- K. Property Manager shall mean any party designated by the owner as responsible for inspecting, maintaining and securing the property as required in this article.
- L. Real Property shall mean any residential or commercial land and/or buildings, leasehold improvements and anything affixed to the land, or portion thereof identified by a property parcel identification number, located in the City limits.
- M. Registrable Property shall mean:
1. Any real property located in the City, whether vacant or occupied, that is encumbered by a mortgage subject to an ongoing foreclosure action by the mortgagee or trustee, has been the subject of a foreclosure action by a mortgagee or trustee and a judgement has been entered, or has been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale. The designation of a "foreclosure" property as "registrable" shall remain in place until such time as the property is sold to a non-related bona fide purchaser in an arm's length transaction or the foreclosure action has been dismissed; or
  2. Any property that is vacant for more than thirty (30) days or any cancellation of utility or service, whichever occurs first.
  3. Any property that is declared to be abandoned and/or a public nuisance.
- N. Registry shall mean a web-based electronic database of searchable real property records, used by the City to allow mortgagees and owners the opportunity to register properties and pay applicable fees as required in this article.
- O. Semi-Annual Registration shall mean six (6) months from the date of the first action that requires registration, as determined by the City, or its designee, and every subsequent six (6) months. The date of the initial registration may be different than the date of the first action that required registration.
- P. Utilities and Services shall mean any utility and/or service that is essential for a building to be habitable and/or perform a service necessary to comply with all

City codes. This includes, but is not limited to, electrical, gas, water, sewer, lawn maintenance, pool maintenance, and snow removal.

Q. Vacant shall mean any building or structure, that is not lawfully occupied or inhabited by human beings as evidenced by the conditions set forth below, including buildings ordered vacated by the Building Official pursuant to authority granted by this or any other applicable code. In determining whether a building is "vacant", the Building Official may consider any condition on its own, or combined with other conditions present, that would lead a reasonable person to believe the property is vacant. Such conditions may include, but are not limited to:

1. The building is unsecured or secured by boarding or other similar means for more than thirty (30) days;
2. The building is unoccupied as a result of having been declared unsafe for occupancy by the Building Official pursuant to applicable provisions of this code;
3. The building is deemed a dangerous building;
4. The building is deemed a public nuisance;
5. The building lacks utility services, i.e., water, sewer, electric or natural gas.
6. Overgrown and/or dead vegetation;
7. Accumulation of trash, junk, or debris;
8. Abandoned vehicles, auto parts, or materials;
9. The absence of furnishings and/or personal items consistent with habitation or occupancy;
10. The accumulation of newspapers, circulars, flyers and/or mail;
11. Statements by neighbors, passers-by, delivery agents or government agents;
12. The building is not actively for rent or for sale.

R. Non-Vacant. The following shall not be considered a "vacant building" for purposes of this ordinance:

1. An unoccupied building, which is undergoing construction, renovation, or rehabilitation, and which is in compliance with all applicable ordinances, codes, legislation, and regulations, and for which construction, renovation or rehabilitation is proceeding diligently to completion;
2. A building which is unoccupied on a seasonal basis, but otherwise secure and which is in compliance with all applicable ordinances, codes, legislation, and regulations.
3. A building which is the subject of a probate action, action to quiet title, or other ownership dispute and is otherwise secure and which is in compliance with all applicable ordinances, codes, legislation, and regulations.

**SEC. 4-55. REGISTRATION REQUIRED.** All foreclosed, vacant, and abandoned property shall require registration with the City. A property owner shall have fifteen (15) days to register their property once notified that their property has been determined registerable. It shall be unlawful for any person, firm, partnership, corporation, or other

legal entity to own such a property without registering it. Registration shall be required every six (6) months and shall include any necessary updated information. Compliance with all other applicable local, State, and Federal law shall be required.

**SEC. 4-56. REGISTRATION EXEMPTION.** Commercial and industrial properties, even when actively listed for sale with a licensed real estate broker on multiple listing services and otherwise secure and in compliance with all applicable ordinances, codes, legislation, and regulations, shall be considered registrable properties. Residential properties, when actively listed for sale or for rent in the same manner, shall not be considered registrable properties so long as they are secure and in compliance with all applicable ordinances, codes, legislation, and regulations.

**SEC. 4-57. REGISTRATION APPLICATION.** Each applicant for registration or registration renewal shall provide their full name, mailing address, electronic mailing address, phone number, and proof of ownership. In the case of a limited liability company (LLC) or similar legal entity, all registered agents shall be identified as well as the registered office in addition to the above described contact information. Each applicant shall also be required to identify a property manager who will be responsible for the regular maintenance of the property. Such a person must reside or maintain an office within fifty (50) miles of the City measured from the municipal boundary. An owner who meets the requirements of this section as to location of residence or office may designate themselves as manager. At the time of registration, the owner shall submit a vacant building plan. The Building Official may prescribe a form for the plan. If the owner fails to submit the plan as provided for by this article, the Building Official may determine the plan. The plan shall include at a minimum provision to address the following:

- A. A plan of action to repair any doors, windows, or other openings which are boarded up or otherwise secured or covered by any means other than conventional methods used in the design of the building or permitted for new construction or similar type. The proposed repair shall result in openings secured by conventional methods used in the design of the building or by methods permitted for new construction of similar type with board removed. Boarding shall be accomplished with materials and methods described by the Building Official. The owner shall maintain the building in an enclosed and secure state until the building is reoccupied or made available for immediate occupancy. If the owner demonstrates that securing of the building will provide adequate protection to the public, the Building Official may waive the requirement of an enclosure.
- B. For buildings and/or premises, which are determined by the Building Official as being or containing public nuisances, as defined in this ordinance, then the vacant building plan shall contain future actions to remedy such public nuisance(s).
- C. A time schedule identifying a date of commencement of repair and date of completion of repair for each improperly secured opening and nuisance identified by the Building Official.

- D. When the owner proposes to demolish the vacant building, then the owner shall submit a plan and time schedule for such demolition. The owner shall ensure all necessary permits and approvals are obtained prior to commencing demolition.
- E. A plan of action to maintain the building and thereof in conformance with this ordinance.
- F. A plan of action, with a time schedule, identifying the date the building will be habitable and occupied or offered for occupancy or sale. The time schedule shall include date(s) of commencement and completion of all actions required to achieve habitability.

SEC. 4-58. APPEAL. An owner of a building determined by the Building Official to be a vacant building may appeal that determination to the Inspections Commission. The appeal shall be in writing and shall be filed with the Building Official within fifteen (15) days of the date of mailing of the notice of determination. The filing of an appeal stays the owner's obligation to register the building as required by this article. The appeal shall contain a complete statement of the reasons the owner disputes the Building Official's determination and shall set forth specific facts support thereof as well as all evidence the owner relies upon to support the appeal. The burden is upon the owner to present sufficient evidence to persuade the Commission that it is more likely than not that the building is not vacant. The Inspections Commission shall hold a hearing at their next regularly scheduled meeting to consider the appeal. The Commission shall hear from both staff and the property owner or their designee at the hearing before voting whether or not to grant the appeal. A decision made by the Commission shall be the final administrative decision.

SEC. 4-59. REGISTRATION NO LONGER REQUIRED. The owner of a property subject to registration shall continue to register the property until such time as a written request to remove the property from registration requirements is approved by the Building Official. Said request shall be made in writing on a form provided by the Building Official, include the required inspection fee, and provide at a minimum the name and contact information for a person that will provide access to the interior of the property for an inspection. The Building Official, upon receipt of a request made pursuant to this section, shall inspect the property to determine if registration remains necessary for the property. Within thirty (30) days from the inspection of the property, the Building Official shall make a determination as to the necessity of registration of the property and notify the owner in writing. Should the Building Official determine that registration remains required, the owner shall continue semi-annual registration. An owner can file a new request under this section after making any necessary corrections and paying the required inspection fee at any time. A determination that a building remains subject to registration may be appealed as described above in this article. Upon determination by the Building Official that the property is no longer required to be registered, the property shall be removed from the registry and no longer subject to the registration requirements as set forth in this ordinance.

SEC. 4-60. VACANT BUILDING DETERMINATION.

- A. The Building Official shall evaluate all buildings in the city that the official believes to be unoccupied. The Building Official shall decide for each as to whether the building is a vacant building within the meaning of this ordinance.
- B. In order to conduct this evaluation, the Building Official is authorized to enter upon all premises and any unsecured structures.
- C. The Building Official may determine that a building, which meets any of the criteria that define a vacant building, shall not be regulated under this section for a defined period of time. The Building Official may reach this determination upon consideration of evidence that the circumstances, which give rise to the building being eligible for regulation hereunder, are clearly temporary in nature and are in the process of being addressed and regulation of the building under this article would not serve the public health, welfare, and safety. The Building Official shall make written findings with the factual basis for this determination.
- D. For all vacant buildings so determined by the Building Official, the city shall send notice of the determination with supporting factual findings to the name and address of the last taxpayer of record for such parcel listed on the most recent tax roll. Said notice of determination shall be sent first class United States mail. Failure of mail delivery shall not excuse a person from complying with this article. The Building Official may also personally serve or cause personal service of the notice of determination. Any person making such service shall execute an affidavit attesting to the facts of service. The Building Official shall maintain an affidavit of such mailing or personal service for each notice of determination sent.
- E. The Building Official shall cause an interior inspection of all vacant buildings to determine compliance with city property maintenance, building, zoning, health, fire, life safety, water, sewer and other codes. Said inspection shall also determine the existence of any unlawful improvements to the property and any portions of the building, including attic and basement areas that appear to have been unlawfully occupied.
- F. The notice of determination described in subsection (c) and (d) above shall set a tentative date and time for the code compliance inspection of the interior of the vacant building in subsection (e). If after receipt of the notice of determination, the owner does not appeal the determination, the owner shall either confirm the tentative date for the interior inspection or shall schedule a new date and time for same. If the owner fails to confirm the tentative date and time for the inspection or refuses to schedule or permit the inspection within a reasonable time, the city shall obtain an administrative search warrant to accomplish the interior inspection.
- G. The notice of determination described in subsection (c) and (d) above shall also contain:
  - 1. A statement of the obligations of the owner of a building determined to be a vacant building;
  - 2. Information about how to register the vacant building pursuant to this section, and;
  - 3. A notice of the owner's right to appeal the Building Official's determination.

SEC. 4-61. INSPECTION AND REGISTRATION OF REAL PROPERTY UNDER FORECLOSURE.

- A. Any Mortgagee who holds a mortgage on real property located within the City shall perform an inspection of the property upon default by the mortgagor as evidenced by the filing of a foreclosure action.
- B. Property inspected pursuant to subsection (a) above that remains in foreclosure shall be inspected every thirty (30) days by the mortgagee or mortgagee's designee. If an inspection shows a change in the property's occupancy status the mortgagee shall, within ten (10) days of that inspection, update the occupancy status of the property registration.
- C. Within ten (10) days of the date any mortgagee files a foreclosure action, the mortgagee shall register the real property with the City Registry, and, at the time of registration, indicate whether the property is vacant, and if so shall designate in writing a property manager to inspect, maintain, and secure the real property subject to the mortgage under a foreclosure action.
- D. Initial registration pursuant to this section shall contain at a minimum the name of the mortgagee, the mailing address of the mortgagee, e-mail address, telephone number and name of the property manager and said person's address, e-mail address, and telephone number. It shall also contain a brief explanation of the owner's intent for the property. The property manager shall be located within a fifty (50) mile radius of the City or Rock Island so that they are able to respond to a property in person within one day of notice to do so.
- E. At the time of initial registration each registrant shall pay a non-refundable semi-annual registration fee of three hundred dollars (\$300.00) for each property. Subsequent non-refundable Semi-Annual renewal registrations of properties and fees in the amount of three hundred dollars (\$300.00) are due within ten (10) days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement, (2) code enforcement and mitigation related to defaulted properties, (3) post-closing counseling and foreclosure intervention limited to owner-occupied persons in default, which may not include cash and mortgage modification assistance, and (4) for any related purposes as may be adopted in the policy set forth in this article.
- F. If the mortgage and/or servicing on a registrable property is sold or transferred, the new mortgagee is subject to all the terms of this article. Within ten (10) days of the transfer, the new mortgagee shall register the property or update the existing registration. The previous mortgagee(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that mortgagee's involvement with the registrable property.
- G. If the mortgagee sells or transfers the registrable property to a related entity or person, the new owner or transferee is subject to all the terms of this article. Within ten (10) days of the transfer, the transferee shall register the property or update the existing registration. Any and all previous unpaid fees, fines, and penalties, regardless of who the mortgagee was at the time registration was required, including, but not limited to, unregistered periods during the foreclosure process, are the responsibility of the transferee and are due and payable with the

updated registration. The previous mortgagee will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that mortgagee's involvement with the foreclosed property.

- H. If the foreclosing or foreclosed property is not registered, or the registration fee is not paid within thirty (30) days of when the registration or renewal is required pursuant to this section, a late fee equivalent to five percent (5%) of the semi-annual registration fee shall be charged for every thirty-day period (30), or portion thereof, the property is not registered and shall be due and payable with the registration.
- I. This section shall also apply to properties that have been the subject of a foreclosure sale where title is transferred to the mortgagee as well as any properties transferred to the mortgagee under a deed in lieu of foreclosure or by any other legal means.
- J. Properties subject to this section shall remain subject to the semi-annual registration requirement, and the inspection, security, and maintenance standards of this section as long as the property remains registrable property.
- K. Failure of the mortgagee and/or property owner of record to properly register or to modify the registration to reflect a change of circumstances as required by this article is a violation of this article and shall be subject to enforcement by any of the enforcement means available to the City.
- L. If any property is in violation of this article the City may take the necessary action to ensure compliance with and/or place a lien on the subject property for the cost of the outstanding obligation and/or charge the applicable fees/fines, as well as any additional cost incurred by the City in the course of seeking compliance, to the subject property's utility (water/refuse) account.

#### SEC. 4-62 INSPECTION AND REGISTRATION OF REAL PROPERTY THAT IS NOT SUBJECT TO A MORTGAGE IN FORECLOSURE.

- A. Any owner of vacant property located within the City shall within ten (10) days after the property becomes vacant, register the real property with the City Registry.
- B. Initial registration pursuant to this section shall contain at a minimum the name of the owner, the mailing address of the owner, e-mail address, and telephone number of the owner, and if applicable, the name and telephone number of the property manager and said person's address, e-mail address, and telephone number.
- C. At the time of initial registration each registrant shall pay a non-refundable semi-annual registration fee of three hundred dollars (\$300.00) for each vacant property. Subsequent non-refundable semi-annual renewal registrations of vacant properties and fees in the amount of three hundred dollars (\$300.00) are due within ten (10) days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement, (2) code enforcement and mitigation related to vacant properties, and (3) for any related purposes as may be adopted in the policy set forth in this article. Said fees shall be deposited to a special account in the City's Department dedicated to

the cost of implementation and enforcement of this article, and fulfilling the purpose and intent of this article.

- D. If the property is sold or transferred, the new owner is subject to all the terms of this article. Within ten (10) days of the transfer, the new owner shall register the vacant property or update the existing registration. The previous owner(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that owner's involvement with the vacant property.
- E. If the vacant property is not registered, or either the registration fee or the semi-annual registration fee is not paid within thirty (30) days of when the registration or annual registration is required pursuant to this section, a late fee shall be equivalent to five percent (5%) of the semi-annual registration fee shall be charged for every thirty (30) day period, or portion thereof, the property is not registered and shall be due and payable with the registration. This section shall apply to the initial registration and registrations required by subsequent owners of the vacant property.
- F. Properties subject to this section shall remain subject to the annual registration requirement, and the inspection, security, and maintenance standards of this section as long as the property is vacant.
- G. Failure of the owner to properly register or to modify the registration to reflect a change of circumstances as required by this ordinance is a violation of this article and shall be subject to enforcement by any of the enforcement means available to the City.
- H. If any property is in violation of this article the City may take the necessary action to ensure compliance with and place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to the property into compliance.
- I. Properties registered as a result of this section are not required to be registered again pursuant to the foreclosure mortgage property section.

#### SEC. 4-63. MAINTENANCE REQUIREMENTS:

- A. Properties subject to this ordinance shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspaper circulars, flyers, notices, except those required by federal, state or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material, or any other items that give the appearance that the property is neglected.
- B. Registrable property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
- C. Front, side, and rear yards, including landscaping, of registrable property shall be maintained in accordance with the applicable code(s) at the time registration is required.
- D. Registrable yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.

- E. Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.
- F. Pools and spas shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).
- G. Failure of the mortgagee, owner, and transferees to properly maintain the property as required by this article may result in a violation of the applicable code(s) and issuance of a citation or notice of violation in accordance with the applicable code of the City. Pursuant to a finding and determination by the enforcement officer or a court of competent jurisdiction, the City may take the necessary action to ensure compliance with this section.
- H. In addition to the above, the property is required to be maintained in accordance with all other applicable code(s) of the City.

**SEC. 4-64. SECURITY REQUIREMENTS:**

- A. Properties subject to these Sections shall be maintained in a secure manner so as not to be accessible to unauthorized persons.
- B. A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates, and other openings of such size that may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by re-glazing of the window.
- C. If a property is registrable, and the property has become vacant or blighted, a property manager shall be designated by the mortgagee and/or owner to perform the work necessary to bring the property into compliance with the applicable code(s), and the property manager must perform regular inspections to verify compliance with the requirements of this article, and any other applicable laws.
- D. In addition to the above, the property is required to be secured in accordance with all other applicable code(s) of the City.
- E. Failure of the mortgagee and/or property owner of record to properly inspect and secure a property subject to this article is a violation and shall be subject to enforcement by any of the enforcement means available to the City. The City may take the necessary action to ensure compliance with this section, and recover costs and expenses in support thereof. Such necessary action shall include but not be limited to entering the premises, boarding the building, and demolishing the building in whole or in part.

**SEC. 4-65. PROPERTIES DECLARED ABANDONED OR A PUBLIC NUISANCE.**

- A. All registrable property is at risk of being a public nuisance and if vacant or blighted can constitute a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare, and safety of the residents of the City.
- B. No unauthorized person shall remove, tamper with, or otherwise alter any conventional or unconventional barrier which are used to secure a building from trespass and damage from the elements.

- C. No person shall occupy or permit to be occupied any boarded or abandoned building when it is not in reasonable compliance with the provisions of the housing code and a certificate of compliance/occupancy issued.
- D. No person shall enter any unoccupied building without permission in writing from the Building Official; however, entry may be made by the owner or the owner's authorized representative and entry may be made by the Building Official with the consent of the owner or through any remedy provided by law to secure entry.
- E. The Building Official may enter upon the exterior of the premises for the purposes of determining whether an unoccupied building is secure, vacant, boarded, or abandoned.
- F. Entry may be made to repair, demolish, or remove such a building under permit.
- G. Entry may be made by employees of or contractors for the City for the purposes of removing trash and debris, weed and brush, and for the installation, removal, and reading of utility meters under the authority granted by ordinances covering those functions.

**SEC. 4-66. NOTICES AND ORDERS FOR AN ABANDONED BUILDING OR PUBLIC NUISANCE.**

- A. Commencement of Proceedings: Whenever the Building Official has inspected or caused to be inspected any building and has found and determined that the building is a public nuisance, unsecured, and/or abandoned, they shall commence proceedings to cause the building to be secured.
- B. Notice and Order: The Building Official shall issue a notice and order directed to the owner of the building. The notice and order shall contain:
  - 1. The street address and a legal description sufficient for identification of the premises upon which the building is located.
  - 2. A statement that the Building Official has found the building to be a public nuisance, unsecured, and/or abandoned.
  - 3. A statement of the action required to be taken as determined by the Building Official. If the Building Official or has determined that the building must be secured, the order shall require that the work be commenced immediately and completed within such time not to exceed ten (10) days from the date of the notice and order. If the Building Official has determined that an interior inspection must be conducted in the building, the order shall require such inspection and state a date and time for said inspection to take place.
  - 4. A statement advising that the building, whether abandoned or boarded, must remain unoccupied and shall be posted until such time as inspections are completed and reasonable compliance with the Housing Code substantiated and a certificate of occupancy issued.
  - 5. Statements advising that the building if open and unsecure or boarded, shall have no active utilities and that those utilities shall be discontinued as soon as practical after the order has become final and that the responsibility to protect the plumbing from freezing shall be the owner(s).
  - 6. Statements advising: That service by certified mail, postage prepaid, return receipt requested and regular delivery, shall be complete upon

mailing; that the order shall become final at ten o'clock (10:00) A.M. on the tenth day from the date of the notice and order and that legal action or other action as the Building Official shall determine necessary to secure the building shall be commenced; that failure to complete any required action within the time frame specified may result in such required action to be completed at the owner's expense, a bill presented for such services and payment for said services to secure shall be made within thirty (30) days after billing for such services; and that any bill for such services if delinquent shall become a lien thereof and be charged against the property and judgment may also be sought.

- C. Service of Notice and Order: The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner or posted on the property as specified in the Abatement of Dangerous Buildings Code.

SEC. 4-67. FAILURE TO SECURE OR ABATE AN ABANDONED BUILDING OR A PUBLIC NUISANCE. Whenever the required abatement or securing is not commenced by the date of any final notice and order issued under this article, the Building Official may make necessary arrangements for authorization to bring such building or structure into compliance with the regulations in this article and upon completion bill all identified owner(s) for costs incurred. These costs shall reflect materials and labor at a rate to be determined by the Building Official, who may also file any such required action through the Abatement of Dangerous Buildings Code to cause the repair or demolition of the building and any materials, rubble or debris removed and the lot cleaned. The cost thereof shall be paid and recovered in the manner provided in the Abatement of Dangerous Buildings Code adopted by the City.

SEC. 4-68. AUTHORITY TO ABATE AN ABANDONED BUILDING OR A PUBLIC NUISANCE.

- A. If the enforcement officer has reason to believe that a property subject to the provisions of this article is posing a serious threat to the public health, safety, and welfare, the Code Enforcement Officer may temporarily secure the property at the expense of the mortgagee or owner, and may bring the violations before the Building Official as soon as possible to address the conditions of the property. Nothing herein shall limit the City from abating any nuisance or unsafe condition by any other legal means available to it.
- B. The Enforcement Officer shall have the authority to require the mortgagee or owner affected by this section, to implement additional maintenance and/or security measures including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.
- C. If there is a finding that the condition of the property is posing a serious threat to the public health, safety, and welfare, then the Enforcement Officer may direct the City to abate the violations and charge the mortgagee or owner with the cost of the abatement.

- D. If the mortgagee or owner does not reimburse the City for the cost of temporarily securing the property, or of any abatement directed by Enforcement Officer, within thirty (30) days of the City sending the mortgagee or owner the invoice then the City may place a lien on the subject property for the cost of the outstanding obligation and/or charge the applicable fees/fines, as well as any additional cost incurred by the City in the course of seeking compliance, to the subject property's utility (water/sewer) account. In addition to filing a lien the City may pursue financial penalties against the mortgagee or owner.
- E. The City may contract with an entity to implement this article, and, if so, any reference to the Enforcement Officer herein shall include the entity the City contract with for that purpose.

**SEC. 4-69. METHODS OF SECURING AN ABANDONED BUILDING OR A PUBLIC NUISANCE.**

- A. **Securing:** All windows and doors which are accessible from the grade, porches, decks or exterior stairways and which allow the elements and weather to enter shall be secured. At the option of the owner, an abandoned building or structure may be secured through the repair and/or replacement of the conventional equipment used for such purposes in the design of the building. Other methods of securing a building or structure will be subject to the approval of the Building Official and will be in accordance with standards on file in the Inspection Division office. Once a building or structure is secured following a notice and order directing such action, the building or structure shall not be reoccupied without a certificate of compliance/occupancy issued. If keys or working locks cannot be located, the building shall be secured at one door only with a padlock and hasp. The owner may obtain a key upon presentation of proper identification to the Building Official during normal office hours. Costs incurred for lock and hasp shall be recovered as specified in this Ordinance.
- B. **Utilities Discontinued:** Whenever any building or structure is abandoned or boarded, the active utilities of gas and electricity shall be discontinued, the water meter shall be removed and pipes drained and protected from freezing. Should a City-authorized contractor or department be requested to perform any required action because of failure to comply with any required action on the part of the owner, such action will be completed at the owner's expense and risk. The City will do no more toward the winterization of a building which it boards than to remove the water meter and open interior plumbing shutoff valves to allow natural draining of pipes. "Damages from freezing" is not warranted.

**SEC. 4-70. RECOVERY OF COSTS INCURRED BY THE CITY.** Any costs incurred by the City and billed to the owner(s) of the property identified in a notice and order shall be due and payable without extension within thirty (30) days of the issuance of such billing. Nonpayment of any such demand for payment shall become a lien thereof and be charged against the property.

**SEC. 4-71. REFUSAL OF APPLICATION FOR BUILDING PERMITS.** The Building Official may refuse application for building permits for the repair or demolition of a

building or structure when any liens for unpaid charges for work accomplished by the City in the performance of the requirements of this article are yet unpaid. A building permit may be issued when all requirements for said permit are met and proof of payment of liens filed under this article are presented.

**SEC. 4-72. OPPOSING, OBSTRUCTING ENFORCEMENT OFFICER; PENALTY.** Whoever opposes obstructs or resists any Enforcement Officer or any person authorized by the enforcement office in the discharge of duties as provided in this article shall be punishable as provided in the applicable code(s) or a court of competent jurisdiction.

**SEC. 4-73. IMMUNITY OF ENFORCEMENT OFFICER.** Any Enforcement Officer or any person authorized by the City to enforce the sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon real property while in the discharge of duties imposed by this article.

**SEC. 4-74. PENALTIES.** Except insofar as other sections of this ordinance may conflict, any person, firm, or corporation violating any of the provisions of this ordinance shall be subject to a fine of not more than seven hundred and fifty (\$750.00). Each day a violation continues shall be considered a separate offense.

## **ARTICLE VIII. NUISANCE PROPERTIES**

**SEC. 7-75. GENERAL CONDITIONS.** It shall be unlawful for any person to deposit any refuse upon any street, alley, lane or public or private property in the City. It shall be the responsibility of the owner of record to keep the property in compliance with this article.

**SEC. 7-76. NUISANCES.**

- A. Nuisances at Common Law: To cause any of those acts or omissions that are declared to be nuisances by the state and such as are known as nuisances to the common law of the land, not hereinafter specially enumerated.
- B. Premises to Be Kept Clean: To keep or suffer to be kept within the city limits in a foul, offensive, nauseous, or filthy condition any building, lot, yard, premises or junkyard.
- C. Junk: To keep or suffer to be kept within the city limits in a foul, offensive, nauseous, filthy, dilapidated or unsafe condition any vehicle, machinery, appliance or household item.
- D. Furniture: For the owner or keeper of any lot or premises to suffer to remain thereon, to the annoyance and detriment of other persons outside the buildings located on the premises, any furniture not designed for outdoor use.
- E. Garbage and Rubbish Storage and Pick Up Areas: It shall be the responsibility of the owner of record to keep the garbage and rubbish storage and pick-up areas on public rights of way (defined in chapter 13 of this code) free from garbage and rubbish on the ground.
- F. Refuse Disposal: For the owner and/or tenant of any lot or premises to place or allow to be placed any refuse container, yard waste or brush at the street, curb or

- alley on the public right-of-way pick up site earlier than twelve o'clock (12:00) noon the day before pick up or to allow any refuse containers to remain at the pick-up site no later than twelve o'clock (12:00) noon the day after pick up.
- G. Brush: For the owner and/or tenant of any lot or premises to allow brush or brush in piles to remain on the property longer than thirty (30) days of breaking or cutting.
  - H. Animals: For the owner or keeper of any lot or premises to allow animal wastes to accumulate to a point where odors are present at the property line or the presence of insects creates a health hazard for surrounding properties. Animal wastes shall be handled as garbage.
  - I. Unburied Animals: For the owner or possessor of an animal which may die within the city to leave the same unburied less than twenty-four inches (24") below ground or properly dispose of the carcass therein for more than eight (8) hours after its death, or for any person to bring and leave the carcass of any such animal within the city. In case the animal is not removed within the eight (8) hour period after notification, the inspection division shall cause the removal of said animal and certify the cost of such removal as a lien against the property. Notification shall consist of a posting on the premises.
  - J. Slaughter of Animals: To kill or slaughter any animals within the city limits, to the injury, discomfort or annoyance of any inhabitants of the neighborhood.
  - K. Animal and Vermin Harborage: For the owner and/or tenant of any residential lot or premises to allow any material such as lumber, boxes, barrels, scrap iron, construction material or any other materials which would provide harborage for rats, mice, snakes or other vermin. Firewood must be neatly stacked and elevated a minimum of four inches (4") above the ground.
  - L. Vector Control: For the owner and/or tenant of any lot or residence to permit water to stand in containers of any kind unless mosquito controls have been taken or allow animal or vermin harborages under any garage, shed, porch, residential structure or other buildings on the premises without taking necessary measures to destroy or capture the animals or vermin. Poisons may not be used unless placed in areas not readily accessible to persons or domesticated animals. For single user nonowner occupied lots or premises, the owner and/or occupant shall be responsible for the extermination of any rodents, vermin or other pests of public health significance therein on the premises. In multi-tenant lots or premises, the owner and/or tenant is responsible for extermination of such pests.
  - M. Offensive Matter in River: For the owner and/or tenant of any lot or property to allow or suffer to allow any blood, bone, offal, and any other offensive matter to run, fall, or get into any storm drain, drainage ditch or other watercourse which leads into the Mississippi River.

SEC. 7-77. PENALTIES FOR NUISANCE VIOLATIONS. Any person violating the provisions of this article shall be subject to the following penalties.

- A. Upon detection of a nuisance violation, the respective property owner shall be issued a courtesy notice directing them to abate the violation within seven (7)

days of the date of the courtesy notice. No fine shall accompany the courtesy notice.

- B. If the property owner fails to abate the nuisance within seven (7) days of the courtesy notice, the City shall be empowered to abate the nuisance. The Building Official and the Public Works Director, or their respective designees, shall direct the abatement by either City staff or a contractor. The costs incurred by the City to abate the nuisance shall be charged to the property owner on their municipal utility bill, in the form of a lien on the property, or in any other manner consistent with the Code of Ordinances. Further, the City Attorney is authorized and directed to initiate litigation in court to recover costs incurred. The cost of abatement will be accompanied by a fine of one hundred dollars (\$100.00) or ten percent (10%) of the cost of abatement, whichever amount is greater.
- C. A property owner who has been cited and had a nuisance abated on their property by the City three (3) or more times in a one (1) year period shall be considered a habitual violator. Habitual violators shall receive notice that they are so considered and said notice shall inform them that all subsequent violations shall result in immediate abatement by the City without additional courtesy notices. The costs incurred by the City to abate the nuisance and the associated fine shall be charged to the property owner in the same manner as above. Designation as a habitual violator may be discontinued when the property owner in question has not been cited for a minimum of one (1) year.
- D. Property owners may appeal a nuisance citation to the Municipal Code Enforcement Service (MUNICES). Said appeal must be in writing and explain how there is not a nuisance violation present using photographic evidence. The appeal must be delivered to the Building Official prior to the end of the seven (7) day period following the issuance of the courtesy notice. Appeals received late shall not be considered. The Building Official shall ensure that the appeal is heard at the next regularly scheduled MUNICES hearing. At said hearing, the Building Official or their designee shall present evidence that a nuisance violation is present. The property owner or their designee shall present evidence to the contrary. Should the presiding Code Hearing Officer decide that a nuisance does exist, the City may proceed with abatement immediately. Should the presiding Officer decide that no violation is present or that the violation is less severe, they may dismiss the citation in whole or in part. The respective parties shall retain, however, the right to take civil action in local court.

## **ARTICLE IX. DANGEROUS PROPERTIES**

SEC. 4-78. AUTHORITY GRANTED BY THE STATE OF ILLINOIS. The City has the authority per 65 ILCS 5/11-31-1 to demolish, repair, or enclose dangerous, unsafe, uncompleted, and abandoned buildings. It may also remove garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from those buildings.

SEC. 4-79. IDENTIFICATION OF DANGEROUS PROPERTIES. It shall be the responsibility of the Building Official to determine what properties are dangerous for the purposes of this article. Any building or structure which has one or more of the following

conditions shall be deemed to be a dangerous property provided that such conditions threaten the health and safety of the public.

- A. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
- B. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
- C. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one-and-a-half (1.5) times the working stress or stresses allowed in the building code for new buildings of similar structure, purpose or location.
- D. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the building code for new buildings of similar structure, purpose or location.
- E. Whenever any portion or member or appurtenance thereof is likely to fail or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- F. Whenever any portion of the building or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half that specified in the building code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the building code for such buildings.
- G. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
- H. Whenever the building or structure, or any portion thereof, because of faulty construction; dilapidation, deterioration or decay; the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; the deterioration, decay or inadequacy of its foundation; or any other cause, is likely to partially or completely collapse.
- I. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
- J. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
- K. Whenever the building or structure, exclusive of foundation, shows thirty-three (33) percent or more damage or deterioration of its supporting member(s), or fifty (50) percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.
- L. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children; a harbor for vagrants, criminals or immoral

persons; or as to enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

- M. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this city, as specified in the building code or housing code, or of any law or ordinance of this state or city relating to the condition, location or structure of buildings.
- N. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has any non-supporting part, member or portion less than fifty (50) percent, or in any supporting part, member or portion less than sixty-six (66) percent of the strength, fire-resisting qualities or characteristics, or weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.
- O. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the city's public health sanitarian to be unsanitary, unfit for human habitation, or in such a condition that it is likely to cause sickness or disease.
- P. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire chief or his representative to be a fire hazard.
- Q. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
- R. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

SEC 4-80. ABATEMENT PROCEDURES. When a dangerous property has been identified, the Building Official may initiate the abatement process provided for in 65 ILCS 5/11-31-1. This process shall be followed in coordination with the City Attorney and other legal counsel as required. This process shall be used in all cases except those narrowly described as emergencies in the following sections.

SEC. 4-81. AUTHORITY TO TAKE EMERGENCY DEMOLITION. If the Building Official determines that a building or structure poses an imminent threat to public safety, they may order an emergency demolition of said building or structure in whole or in part. Imminent threat shall be understood to mean the following.

- A. The building or structure is at imminent risk of collapsing into a public right-of-way or already has collapsed in whole or in part into said right-of-way.
- B. The building or structure is at imminent risk of collapsing onto an adjacent property or already has collapsed in whole or in part onto an adjacent property.

- C. The building or structure poses an imminent risk to life or property and cannot be sufficiently enclosed or secured.

SEC. 4-82. EMERGENCY DEMOLITION PROCEDURE. In the event that the Building Official has determined that an emergency demolition is necessary, the case for doing so shall be presented to the City Attorney and the City Manager. If all three agree on that course of action, they shall jointly execute an affidavit stating the reasons for the emergency demolition and authorizing the Building Official to proceed. A minimum of three registered contractors capable of undertaking the emergency demolition within a period of seventy-two (72) hours shall be directly solicited by the Building Official to provide cost estimates for the demolition. Upon review of the responses, the Building Official shall select the lowest responsible bid and execute a contract with the respective contractor for the demolition. The scope of demolition work shall not exceed what is reasonably necessary to eliminate the imminent threat to public safety. The affidavit and demolition contract shall be presented to the City Council at their next regularly scheduled meeting following the demolition. The same shall be presented to the property owner. The City reserves the right to lien the property, fine the property owner, or in any other manner seek compensation for the cost of the demolition.

## **ARTICLE X. HEALTH CODE**

SEC 4-83. PURPOSE. This article shall regulate food service establishments and retail food stores, the operation of such facilities, and the licensing of food service establishments and retail food stores within the City.

SEC. 4-84. AUTHORITY. The Building Official or designee shall be responsible for enforcing all provisions of the Health Code and shall be considered for the purposes of this article the local Health Authority. In order to carry out such responsibilities, they are empowered to enter onto a premise for the purpose of conducting an inspection where there is reasonable cause to believe that a violation of the Health Code exists.

SEC. 4-85. APPEALS. The Inspections Commission shall be empowered to hear appeals to the Health Code. Appeal shall be in writing and shall be filed with the Building Official within fifteen (15) days of the date of mailing of the notice of determination. The filing of an appeal does not permit the appealing party to continue to engage in an activity determined to be a code violation by the Health Authority. The Inspections Commission shall hold a hearing at their next regularly scheduled meeting to consider the appeal. The Commission shall hear from both staff and the appealing party or their designee at the hearing before voting whether or not to grant the appeal. A decision made by the Commission shall be the final administrative decision.

SEC. 4-86. LICENSES. It shall be unlawful for any person to operate a food service establishment, or retail food store within the city who does not possess a valid license issued to such person by the Health Authority. Only a person who complies with the requirements of this article shall be entitled to receive or retain such a license. A license is not transferable from one person to another person; nor shall a license be applicable

to any locations, buildings or places other than that for which it is issued. A valid license shall be posted in each food service establishment or retail food store.

#### SEC. 4-87. ISSUANCE OF LICENSES.

- A. Any person desiring to operate a food service establishment or retail food store or to renew an expired license shall make a written application for a license on forms provided by the Health Authority of the City. Such application shall include the name and address of each applicant, the location and type of proposed operation, and the signature of each applicant, whether such applicant is an individual, firm or corporation; and if a partnership, the names of the partners, together with their addresses, shall be included. Payment for the license shall accompany the application form. If the application is for a temporary food service establishment or a temporary retail food store, it shall also include the inclusive dates of the proposed operations.
- B. Licenses for food service establishments and retail food stores are valid for a period of one year from the date of issuance. Licenses for temporary food service establishments or temporary retail food stores shall not exceed fourteen (14) days.

SEC. 4-88. ADOPTION BY REFERENCE. This article shall be interpreted and enforced in accordance with provisions set forth in the most recent version of the United States Food and Drug Administration (FDA) regulations adopted by the State of Illinois. Said regulations are incorporated herein and adopted by reference as part of this article.

SEC. 4-89. DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of this article:

- A. Adulteration: The condition of any food:
  - 1. If it bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health.
  - 2. If it bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established by regulation or in excess of such tolerances if one has been established.
  - 3. If it consists in whole or in part of any filthy, putrid, or decomposed substance or if it is otherwise unfit for human consumption.
  - 4. If it has been processed, prepared, packaged or held under unsanitary conditions whereby it may have been contaminated with filth or whereby it may have been rendered injurious to health.
  - 5. If it is in whole or in part the product of a diseased animal or animal which has died otherwise than by slaughter.
  - 6. If its containers are composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health.
- B. Health Authority: The Building Official or designee.

#### SEC. 4-90. PROVISIONS FOR LICENSING.

- A. License Fee Schedule:

1. Annual Fee: Determined by the square footage of floor space in the establishment including dining areas, retail sales area and storage areas. Licenses for food service establishments and retail food stores are valid for a period of one (1) year from the date of issuance. Establishments that fail to apply for renewal within fifteen (15) days after expiration date will cease food service operations.

Establishment Type or Activity	Fee
2,000 sq. ft. or less	\$250
2,001 sq. ft. to 3,000 sq. ft.	\$300
3,001 sq. ft. or more	\$350
Mobile Food Units and Retail Sales Units	\$100
Temporary Permit obtained two or more working days prior to an event.	\$40
Temporary Permit obtained fewer than two working days prior to an event.	\$60
Seasonal Concession Stands (Potentially Hazardous Foods)	\$100
Seasonal Concession Stands (Non-Potentially Hazardous Foods)	\$40
Schools and recognized churches. (Schools serving food no more than once each week and not open to the general public are exempt.)	\$50

2. Inspection Required: Prior to approval of an application for a license, the Health Authority shall inspect the food service establishment or retail food store to determine compliance with the requirements of this article.
  3. Issuance of License: The Health Authority shall issue a license to the applicant if its inspection reveals that the applicable requirements of this article have been met, and upon payment of the required fee.
- B. Renewal of License:
1. Whenever the inspection for renewal of a license reveals serious or repeated violations of this article, the license shall not be issued and the Health Authority shall notify the applicant immediately thereof. The applicant may file an appeal as provided for in this article.
  2. Operators of food service establishments who fail to apply for renewal within fifteen (15) days after the expiration of their current license, will have to submit a food service establishment review application and a fifty-dollar (\$50) fee, in addition to their regular license fee. Until the food service review application has been evaluated and accepted by the Health Authority, the food service establishment will cease food service operations.
- C. Reinstatement of Suspended License: Any person whose license has been suspended may, at any time make application for a reinspection for the purpose of reinstatement of the permit. Within the ten (10) days following receipt of the written request, including a statement signed by the applicant that, in his opinion, the conditions causing suspension of the permit have been corrected, the Health Authority shall make a reinspection. If the applicant is found to follow the requirements of this article, the license shall be reinstated.
- D. Revocation of License:

1. For serious or repeated violations of any of the requirements of this article, or for interference with the Health Authority in the performance of their duties, the license may be permanently revoked after an opportunity for a hearing has been provided before the Inspections Commission.
2. Prior to such action, the Health Authority shall notify the license holder in writing, stating the reasons for which the license is subject to revocation, and advising that the license shall be permanently revoked at the end of five (5) days following service of such notice, unless a request for a hearing is filed with the Health Authority by the license holder, within such five (5) day period. A license may be suspended for a cause pending its revocation or a hearing relative thereto.

SEC. 4-91. NOTICES. A notice provided for in this Article is properly serviced when it is delivered to the holder of the license or the person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the license. A copy of the notice shall be filed in the records of the Health Authority. A completed inspection report form or a letter are considered proper forms of notice.

SEC. 4-92. INSPECTIONS.

- A. Inspection Schedule: The Health Authority shall inspect each establishment every six (6) months or as often as he deems necessary for the enforcement of this article.
- B. Access to Establishments: The Health Authority, after showing proper identification shall be permitted to enter, at any reasonable time, any food service establishment or retail food store within the city for the purpose of making inspections to determine compliance with this Article. The Health Authority shall be permitted to examine the records of the establishment to obtain information pertaining to food and supplies purchased, received or used, and information concerning persons employed.

SEC. 7-93. SUSPENSION OF LICENSE.

- A. Licenses may be suspended temporarily by the Health Authority for failure of the license holder to comply with the requirements of this Article. Whenever a license holder or operator has failed to comply with any notice issued under the provisions of this article, the license holder or operator shall be notified in writing that the license is, upon service of a notice, immediately suspended and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the Health Authority by a license holder. Upon suspension of the license, all operations as a food service establishment or retail food store are to be discontinued at the direction of the Health Authority. The license shall be removed from the establishment by the Health Authority.
- B. Notwithstanding the other provisions of this article, whenever the Health Authority finds unsanitary or other conditions in the operation of a food service establishment or retail food store which in their judgment, constitute a substantial hazard to the public health, he/she may without warning, notice or hearing, issue

a written notice to the license holder or operator citing such condition, specifying the corrective action to be taken, and if deemed necessary, such order shall state that the license is immediately suspended, and all operations as a food service establishment or retail food store are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately therewith, but upon written petition to the Health Authority shall be afforded a hearing as soon as possible.

**SEC. 4-94. CORRECTION OF VIOLATION.**

- A. The completed inspection report form shall specify a reasonable period of time for the correction of the violations found. Correction of the violations shall be accomplished within the period specified in accordance with the following provisions:
  - 1. If an imminent health hazard exists, including, but not limited to, complete lack of refrigeration or sewage backup into the establishment, the establishment shall immediately cease food service or sales operations.
  - 2. In the case of temporary food service establishments, all violations shall be corrected within twenty-four (24) hours. If violations are not corrected within twenty-four (24) hours, the establishment shall immediately cease food service operations until authorized to resume by Health Authority.
- B. Failure of the license holder or operator to comply with any time limits for corrections may result in cessation of food service operations. An opportunity for hearing on the inspection findings or the time limitations, or both, will be provided if a written request is filed with the Health Authority within ten (10) days following cessation of operations. If a request for hearing is received, a hearing shall be held within twenty (20) days of receipt of the request.
- C. Whenever a food service establishment or retail food store is required under the provisions of Section to cease operations, it shall not resume operations until it is shown on reinspection that conditions responsible for the order to cease operations no longer exist. Opportunity for reinspection shall be offered within a reasonable time.

**SEC. 4-95. EXAMINATION AND CONDEMNATION OF FOOD AND/OR EQUIPMENT.**

- A. Food: Food may be examined or sampled by the Health Authority as may be necessary to determine freedom from adulteration or misbranding. The Health Authority may, upon written notice to the owner or person in charge, place a hold order on any food which he determines or has probable cause to believe to be unwholesome or otherwise adulterated or misbranded. Under a hold order, food shall be permitted to be suitably stored. It shall be unlawful for any person to move or alter a hold order notice or tag placed on food by the Health Authority. Neither such food nor the containers thereof shall be relabeled, repackaged or reprocessed, altered, disposed of, or destroyed without permission of the Health Authority, except on an order by a court of competent jurisdiction. After the owner or person in charge has had a hearing as provided in this Article, and on the basis of evidence produced at such hearing, or on the basis of examination in the event of written request for a hearing is not received within ten (10) days, the

Health Authority may vacate the hold order or may, by written notice, direct the owner or person in charge of food which was placed under the hold order to denature or destroy such food or bring it into compliance with the provisions of this Article. Such order shall be stayed if the order is appealed to a court of competent jurisdiction within three (3) days.

- B. Equipment: Where equipment used in the preparation of food products is found to be in a state of disrepair, unsafe, unsuitable for use, or unsanitary, such equipment shall be taken out of use and hold order placed on said items by the Health Authority. Such equipment may not be put back into service until written permission is obtained from the Health Authority. It shall be unlawful for any person to move or alter a hold order notice or tag placed on equipment by the Health Authority. Such equipment shall not be altered, disposed of, or destroyed without permission of the Health Authority except on an order by a court of competent jurisdiction. After the owner or person in charge has had a hearing as provided in this Article, and on the basis of evidence produced at such hearing or on the basis of examination in the event a written request for a hearing is not received within ten (10) days, the Health Authority may vacate the hold order or may, by written notice, direct the owner or person in charge of the equipment which was placed under the hold order to remove such equipment or bring it into compliance with the provisions of this Article. Such order shall be stayed if the order is appealed to a court of competent jurisdiction within three (3) days.

SEC. 4-96. PROCEDURE WHEN INFECTION IS SUSPECTED. When there is reasonable cause to suspect possible disease transmission by an employee of a food service establishment or retail food store, it may secure a morbidity history of the suspected employee or make any other investigation as may be indicated and take appropriate action. The Health Authority may require any or all of the following measures:

- A. The immediate exclusion of the employee from employment in a food service establishment or retail food store;
- B. The immediate closing of the food service establishment or retail food store concerned until, in the opinion of the Health Authority, no further danger of disease outbreak exists;
- C. Restriction of the employee's services to some area of the establishment where there will be no danger of transmitting disease;
- D. Adequate medical and laboratory examinations of the employee or other employees and of their body discharges.

SEC. 4-97. FOOD HANDLERS CLASSES. The Health Authority may order any food handler to attend an immediate food handler training course when, in the judgment of the Health Authority, the work habits of said food handler constitute a hazard to public health. Fees may be charged by the Health Authority to offset any costs incurred by the Health Authority.

SEC. 4-98. PLAN REVIEW OF FUTURE CONSTRUCTION.

- A. Plans Submitted: Whenever a food service establishment or retail food store is constructed or extensively remodeled, and whenever an existing structure is converted to use as a food service establishment or retail food store, properly prepared plans and specifications for construction, remodeling, or conversion shall be submitted to the Health Authority for review and approval before construction, remodeling, or conversion is begun. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans, and construction materials of work areas, and the type and model of proposed fixed equipment and facilities. All applicable food service equipment shall be of a quality as approved by the National Sanitation Foundation (NSF) or equivalent. New equipment which is approved for a certain use by NFS shall be automatically approved by the Health Authority. Other applicable equipment or used equipment shall be evaluated or otherwise approved by the Health Authority. The Health Authority shall approve the plans and specifications if they meet the requirements of this Article. No food service establishment or retail food store shall be constructed, extensively remodeled, or converted except in accordance with plans and specifications approved by the Health Authority.
- B. Pre-Operational Inspection: Whenever plans and specifications are required by subsection (a) of this Section to be submitted to the Health Authority, the Health Authority shall inspect the food service establishment or retail food store prior to the start of operations, to determine compliance with the approved plans and specifications with the requirements of this Article.

SEC. 4-99. PENALTIES. Any person violating any provisions of this Article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

SEC 4-100. MOBILE FOOD UNITS.

- A. Purpose. The purpose of this section is to provide for the regulation of Mobile Food Units, which includes both food carts and food trucks, operating within the City of Rock Island on both private and public property.
- B. Definitions.
  - 1. Commissary: A licensed food facility regulated by a governmental entity where food is stored, prepared, portioned, packaged or any combination thereof, and where such food is intended for consumption at another location or place from a mobile food unit or food cart.
  - 2. Food Establishment: An operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption. For the purposes of this section, "food establishment" does not include an establishment that offers only pre-packaged foods that are non-potentially hazardous; a produce stand which sells only whole, uncut fresh fruits and vegetables; an establishment operating in a farmers market if potentially hazardous food is not sold or distributed; a residence in which food that is non-potentially hazardous is sold for consumption off premises to a

consumer customer provided the food is labeled so as to identify its preparer; a private home that receives catered or home-delivered food; child care facilities or food establishments in hospitals or health care facilities which are subject to regulation by state agencies; supply vehicles and vending machines.

3. Health Authority: The Building Official or designee.
  4. Mobile Food Unit (MFU): One of the following.
    - a. Food Cart: A non-motorized food establishment with limited food preparation and assembly or commercial or commissary prepared foods. Food Carts may be towed by a vehicle, but are generally capable of being moved by human power.
    - b. Food Truck: A motorized, self-propelled food establishment, or a trailer/vehicle towed by a motorized vehicle, that is readily movable, and which typically operates at a remote location and returns to base of operation or commissary at the end of its daily business.
  5. Mobile Food Unit Zone: An area of City-owned property or public right-of-way that has been designated as a location upon which mobile food units and Food Carts may sell or offer for sale for immediate consumption food and/or beverages. These zones shall be exempt from separation requirements.
- C. Business License Required. No person shall sell or offer for sale or otherwise engage in a business as an MFU within the city without having first obtained an annual business license to operate as such. The license shall be for a period beginning on May 1 and end on April 30 of the succeeding year. An MFU license is required in addition to any other required city business license or state license the operator may hold or be required to hold. A separate MFU license is required for each unit from which business is conducted. MFU licenses are not transferable or assignable. Applications for licenses shall be made available and processed by the City Clerk's Office.
- D. Application.
1. Completed applications for licenses must be submitted with the following.
    - a. Copies of the applicant's other relevant permits and proof of liability insurance, including commercial general liability insurance coverage and automotive liability insurance coverage.
    - b. Information identifying any commissary kitchen or other premises where food is prepared, associated food establishments, copies of the certificate for the certified food manager, and the name and address of and proof of consent for the facility at which any waste fat, waste oil, waste grease, or grey water generated by the MFU operation is disposed of shall also be required.
    - c. Proof of consent from the property owner if the applicant will be operating on private property.
    - d. Written authorization from the City Manager or designee if the applicant will be operating on public property or in the public right of way.

- e. Written authorization from the Parks and Recreation Department Director or designee if the applicant will be operating in a City Park.
  2. Completed applications for permits must clearly identify the MFU's proposed location(s) and hours of the operation.
  3. License applications shall be approved or denied by the City Manager. If denied, the denial may be appealed to the City Council. Written request for appeal must be received by the City Clerk's Office within thirty (30) days of initial denial.
  4. The City Council may grant reasonable accommodations to applicants from the strict application of this article. The applicant must make a written request to the City Council that demonstrates an unnecessary hardship or unique circumstances that prevent them from achieving compliance with certain requirements of this article. The City Manager or designee(s) shall provide a staff recommendation to the City Council that accompanies the request. Adjacent property owners within two hundred and fifty feet (250') shall be notified of the request and given the opportunity to object.
- E. Exceptions:
1. Temporary MFUs associated with a public celebration or special event hosted by a public body, community organization, charitable organization, patriotic organization, religious organization, educational institution, or similar entity are exempt from the licensing provisions of this chapter provided the unit's participation is by invitation or contract with the host or sponsoring organization and provided the unit displays proof of health license.
  2. Temporary MFUs associated with a private party on private, residentially zoned property hosted by the owner of the property upon which the unit is dispensing food and/or beverage, such as a graduation party, wedding reception, birthday celebration, or similar event, are exempt from the licensing provisions of this chapter provided the unit's participation is by invitation or contract with the host and provided the vendor displays proof of its health license. All applicable alcohol regulations and requirements apply.
- F. General Regulations:
1. MFUs shall have all necessary licenses and permits from the State and City. Such licenses and permits shall be posted on or within the MFU so as to be readily visible to all persons conducting business with the MFU.
  2. MFUs shall operate in compliance with all applicable food, health, and sanitation laws and shall comply with all health regulations regarding food service, storage, preparation, handling, and cooking. A valid inspection certificate or permit demonstrating health department inspection and approval shall be posted on or within the MFU so as to be readily visible to all customers.
  3. MFUs shall operate in compliance with all applicable National Fire Protection Association (NFPA) Codes and Standards including but not limited to NFPA 96, Appendix B.

4. No MFU shall dispose of fats, oil, grease or any liquid wastes containing excessive amounts of grease in the sanitary sewer collection system at a location other than one that has the proper grease intercepting facilities.
  5. No MFU shall operate between the hours of one o'clock (1:00) AM and six o'clock (6:00) AM. An MFU may only operate for a maximum of eight (8) consecutive hours in a given location within a twenty-four (24) hour period.
  6. Operators of MFUs shall not call, shout, or make any other loud noise toward potential customers or in any other way generate noise that would be considered a disturbance of the peace.
  7. Operators of MFUs shall be responsible for keeping and maintaining the area around and within fifty feet (50') of the MFU neat, clean, and free from trash, debris, garbage, and other hazardous conditions at all times regardless of whether the trash, debris or garbage originated from the operation of the unit or was left in the area by a pedestrian passersby or natural conditions. An MFU shall provide adequate trash receptacles for the public for all garbage from its operation and from the accumulation of garbage in the area around their unit at all times the unit is in operation. At the close of its daily business the MFU must remove all garbage from the area and properly dispose of it away from the site of its operation; the garbage shall not simply be placed in nearby public garbage receptacles provided for use to the general public at large.
  8. MFUs shall only offer single service food utensils such as cups, straws, knives, forks, spoons, stirrers, plates, bowls, wrappers, containers, and similar utensils, which shall be individually wrapped and kept in a clean place and only used once in the service of food and/or beverage.
  9. Sales shall be conducted on the sidewalk side of the MFU whenever possible away from moving vehicles.
  10. No dining area, tables, chairs, booths, benches, bar stools, stand-up counters, or similar furniture provided by an MFU shall obstruct the reasonable passage of pedestrians.
  11. No MFU shall be used for any purpose other than offering food and/or beverage to customers.
  12. MFUs shall be removed from their operating location, be it public or private property, at the end of the business day and returned to its base business operation location or commissary.
- G. Location Requirements:
1. MFUs on public and private property shall only operate in business zoning districts with the exception of City Park property provided that any permit or other requirements by the Parks and Recreation Department is received by the applicant.
  2. MFUs on private property shall not encroach into any public sidewalk or public right-of-way.
  3. When operating in the public right of way, MFUs shall be immediately adjacent to business zoning districts and compliant with the following standards:

- a. No MFU shall park or stand within forty feet (40') of a pedestrian crosswalk, stop sign, traffic signal light, or the intersection of right-of-way lines.
  - b. No MFU shall park or stand within two hundred feet (200') of any permanent food service establishment during the hours the establishment's kitchen is operating as measured from the property line. This requirement may be waived if the application is submitted with the written consent of the owner of the food establishment.
  - c. MFUs that are not directly involved with the sponsor organization shall not park or stand within two hundred feet (200') of a special event approved by the City or taking place within a City Park as measured from the property line.
  - d. MFUs shall operate in compliance with all other applicable requirements the City's Parking Ordinance.
4. No MFU shall conduct operations at a location or in a manner that hinders, impedes, or restricts access to a mail box, emergency call box, traffic control box, fire hydrant, building entrance, driveway, or critical infrastructure.
  5. City reserves the right to move an MFU from any location if determined to be necessary for the provision of emergency or public services or in the interest of public safety, peace, and welfare.
- H. Alcohol Permit. No MFU shall offer any type of alcohol for sale when operating in a public right-of-way. MFUs may only offer alcohol for sale when approved by the Liquor Commissioner in accordance with the following.
1. Only MFUs with an associated food establishment located in the City of Rock Island are eligible. The associated food establishment must already possess a liquor license and be in good standing.
  2. When approved a Special Use Permit Liquor License described in the Liquor Ordinance shall be required. The fee for the later shall be charged to applicant in addition to the MFU annual business license.
  3. All other requirements of City and State regulations must be met.
- I. Mobile Food Unit Zones. These zones are exempt from separation requirements. MFU Zones include the following locations. Additional zones may be established by the City Council by amendment to this ordinance from time to time.
1. The City-owned property at 1328 30th Street, PIN 1601117016, otherwise known as the "Pocket Park" and the adjacent four (4) street parking spaces on the south side of the property. No more than two (2) MFUs may operate in this zone at any one time.
  2. The City-owned property at 1719-21 2nd Avenue, PIN 0735201007, otherwise known as "Arts Alley." No more than two (2) MFUs may operate in this zone at any one time.
- J. Fees. All MFUs operating within the City in any location, public or private, shall be required to obtain an annual business license. Any permit and associated fees required by the Parks and Recreation Department for an MFU is operating within

a City Park shall be required in addition to the annual business license fee.  
Annual Business License Fee: one hundred dollars (\$100.00).

- K. Enforcement and Penalties. The City Manager, in coordination with the Health Authority, shall be responsible for enforcement of these regulations. Violations of these regulations may result in the suspension of an MFU license or the permanent revocation of said license. Suspensions and revocations may be appealed to the City Council. Written request for appeal must be received by the City Clerk's Office within thirty (30) days of suspension or revocation.