

070208

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

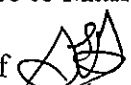
_____ Resolution or Ordinance (Blue) _____ *Waiver of First Requested*
_____ Recommendations of Boards, Commissions & Committees (Green)
 X Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: March 28, 2007 (B of T) Date: April 5, 2007

TITLE: **502 S. Westmore, 15 Day Notice to Make Safe or Demolish Structure**

SUBMITTED BY: G. Edward Seagraves, Fire Chief 

BACKGROUND/POLICY IMPLICATIONS:

The Fire Department staff transmits for your consideration its recommendation regarding the above-referenced structure.

The structure at 502 S. Westmore has been determined structurally not sound and uninhabitable under the provisions of the 2000 International Property Maintenance Code. Notice is to be served on the owner of the property providing 15 days to make the structure safe or demolish it. (DISTRICT #5)

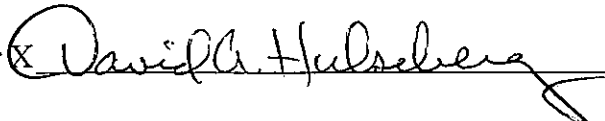
Please place this item on the consent agenda for the April 5, 2007 Board of Trustees meeting.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____

Finance Director X _____ Date _____

Village Manager X  _____ Date 3/28/07

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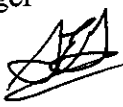
Village Manager X  _____ Date 3/28/07

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: William T. Lighter, Village Manager

FROM: G. Edward Seagraves, Fire Chief 

DATE: March 28, 2007

SUBJECT: 502 S. Westmore, 15 Day Notice to Make Safe or Demolish Structure

Please present the attached items to the Board of Trustees for their review at their April 5, 2007 meeting.

Since May 12, 2006, staff has attempted to obtain compliance from the above referenced property. The property has significant code deficiencies/violations. These violations include no water service, no electricity and water throughout the home due to roof, wall and plumbing damage. It has been determined that the house is structurally not sound and uninhabitable under the provisions of the 2000 International Property Maintenance Code. (IPMC)

Copies of the IPMC code sections are attached as well as the Village of Lombard Code of Ordinance sections relating to this type of issue. This action is being done only after trying to resolve these issues with the resident, and then proceeding to DuPage County Court where a guilty judgment was given and fines imposed. After that, staff continued to help the resident to resolve the violations. We now advise the Village Board of our intended action.

To date, the resident has obtained no permits or made any attempt to make the house habitable under the code. Village staff has been working over a year with the homeowner with no improvement. There is a great risk to the occupant to live in a structure with no water or electricity and at risk of the structure having a catastrophic failure due to the rotting of framing members supporting the roof, floors, etc.

Attached please find a copy of the notice to be served on the owner of the property allowing 15 days to make the structure safe or demolish it. If this is not done, the Village would then go to the Circuit Court of DuPage County to authorize action to demolish the structure. All costs incurred would be charged to the property owner pursuant to the ordinances, codes and laws.

If you have any questions, feel free to contact me.

Att-

H/fire/lindao/botmemo502swestmore

"To: Gardenia L. Hung
(Owner-occupant of premises)

This is a notice regarding the premises known and described as

502 S. Westmore Ave
Lombard, IL 60148

You are hereby notified that the Single Family Detached Residence on the premises above-mentioned has been condemned as a nuisance and a dangerous building after inspection by Keith Steiskal due to the following violations of the 2000 International Property Maintenance Code.

303.4 Structural Members. All structural members shall be maintained plumb and free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

There are holes in the roof, soffits etc. allowing water to enter the structure for a period of time causing rot in the framing of the structure. The holes need to be repaired and framing replaced that has been damaged.

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

There is currently no water supplied to the required fixtures due to pipe and fixture damage. The plumbing system including the required piping and fixtures need to be repaired or replaced.

602.2 Residential Occupancies. Dwelling units shall be provided with heating facilities capable of maintaining a room temperature of 65 degrees F in all habitable rooms. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

The furnace does not operate due to lack of electric to the structure. Safe electric needs to be supplied and any necessary repairs made to the furnace.

604.3 Electrical system hazards. Where it is found that the electric system in the structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

There is currently no electrical service to the structure. Due to the large amount of water damage, the electrical system needs extensive repairs to be made before power could be turned on to the structure.

You may contact The Building Department at the Village at telephone number (630) 620-5750 to request an informal hearing on the condemnation.

Unless you have taken steps to remedy this condition within fifteen (15) days of your receipt of this notice, the Village will petition the Circuit Court of DuPage County to authorize action to be taken to demolish said building or restore it to a safe condition, the costs thereof to be charged to you.”

(Ord. 3750, passed 8/26/93)

unsafe structures, and prohibit the same from being used.

(Ord. 2561, passed 10-28-82)

★ **§ 150.206 DANGEROUS OR ABANDONED BUILDINGS PROHIBITED; ABATEMENT.** ★

(A) For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) **ABANDONED BUILDING.** Any building, accessory buildings, shed, fence, or other man-made structure which, because of its condition or because of lack of doors or windows is available to and frequented by malefactors or disorderly persons who are not lawful occupants of such structure. The maintenance of any building in any such condition shall constitute a violation of this section, and the fact that such building is boarded up or otherwise closed shall not remove it from being a violation under this section.

('70 Code, § 9.24.010)

(2) **DANGEROUS BUILDING or UNSAFE BUILDING.**

(a) Any building, accessory buildings, shed, fence, or other man-made structure which is dangerous to the public health because of its condition, and which may cause or aid in the spread of disease, or injury to the health of the occupants in it, or other neighboring structures;

(b) Any building, accessory buildings, shed, fence, or other man-made structure which, because of faulty construction, age, lack of proper repair, or any other cause is especially liable to fire and constitutes or creates a fire hazard;

(c) Any building, accessory buildings, shed, fence, or other man-made structure which, by reason of faulty construction or any other cause, is liable to cause injury or damage by collapsing or by a collapse or fall of any part of the structure.

(B) It is unlawful to maintain or permit the existence of any dangerous or abandoned building in the village; and it shall be unlawful for the owner, occupant, or person in custody of any dangerous or abandoned building to permit the same to remain in a dangerous condition, or to occupy such building or permit it to be occupied while it is or remains in a dangerous condition, or to permit any building to

continue to remain in an abandoned condition. ('70 Code, § 9.24.020)

(C) **Abatement.**

(1) Whenever the Village Manager, Building Inspector or Fire Chief shall be of the opinion that any building or structure in the Village is a dangerous building, he shall file a written statement to that effect with the Board of Trustees. The Village Clerk shall thereupon cause written notice to be served upon the owner thereof, and upon the occupancy thereof, if any, by personal service. Such notice shall state that the building has been declared to be in a dangerous condition and that such dangerous condition must be removed or remedied by repairing or altering the building or by demolishing it; and that the condition must be remedied by repairing or altering the building or by demolishing it; and that the condition must be remedied within 15 days of the date of receipt of notice. The Village Manager, Building Inspector, or Fire Chief shall also post such notice on each entrance to such structure. The notice shall be in substantially the following form:

"To: _____
(Owner-occupant of premises)

This is a notice regarding the premises known and described as

You are hereby notified that (description of the dangerous building, house, or garage, etc.) on the premises above-mentioned has been condemned as a nuisance and a dangerous building after inspection by _____ because of the following:

(here insert facts as to the dangerous condition)

You may contact _____ at the Village to request an informal hearing on this condemnation.

Unless you have taken steps to remedy this condition within fifteen (15) days of your receipt of this notice, the Village will petition the Circuit Court of DuPage County to authorize action to be taken to demolish said building or restore it to a safe condition, the costs thereof to be charged to you."

(Ord. 3750, passed 8/26/93)

(2) Such notices shall be served on the owner by personal service, or where after diligent inquiry the identity or whereabouts of the owner of any such building are not ascertained, then notice shall be mailed to the person or persons in whose name the real estate was last assessed. If the person receiving such notice has not complied therewith within 15 days from the time the notice is served upon such person or persons, the Village Manager shall, upon order of the Board of Trustees, initiate proceedings to remedy the condition or demolish the dangerous building as hereinafter set forth. ('70 Code, § 9.24.030)

(D) Condemnation. The Village Manager shall apply to the circuit court of the county for an order authorizing the demolition or repair of the dangerous, unsafe, or abandoned building. After the entry of an order by the circuit court, the Village Manager shall proceed in accordance with the order to demolish or repair the building, either having the personnel or the village perform such activity or authorizing some other person or persons to perform the necessary services. ('70 Code, § 9.24.040)

(E) Costs.

(1) The cost of such demolition or repair shall be recovered from the owner of the real estate, and shall be a lien thereon which lien shall be superior to any existing liens and encumbrances excepting taxes; provided that within 60 days after such cost and expense is incurred, the village or such person having been authorized to perform the service by the village shall file notice of lien in its or his own name, in the office of the Recorder of Deeds in the county in which the real estate is located.

(2) The Village Manager is authorized and directed to file such lien in the event the services have been performed by the village or its employees. The notice shall consist of a sworn statement setting out a description of the real estate sufficient for identification thereof; the amount of money representing the cost and expense incurred or payable for the service; and the date or dates when the cost and expense was incurred by the municipality.

(3) Upon payment of the cost and expense by the owner of, or persons interested in the property, after notice of lien has been filed, the lien shall be released by the municipality or person in whose names the lien has been filed; and the release may be filed of record as in the case of filing notice

of lien. The lien may be enforced by proceedings to foreclose as in case of mortgages or mechanics' liens.

Suit to foreclose this lien shall be commenced within three years after the date of filing notice of lien.

('74 Code, § 9.24.050)

(Ord. 1244, passed - - 67) Penalty, see § 150.999

§ 150.207 PROCEDURES

In addition to the other remedies provided for herein pertaining to the abatement of dangerous or abandoned buildings, the Village may also proceed in accordance with Sections 11-31-1 and 11-31-2 of the Illinois Municipal Code (65 ILCS 5/11-31-1 and 11-31-2), or may pursue any other remedy provided by law.

(Ord. 4335, passed 7/17/97)

PARTIAL OCCUPANCY

§ 150.220 PARTIAL OCCUPANCY OF BUILDINGS.

(A) The Fire Chief, or his designee, shall determine that any building under construction shall be completed in a manner as described hereinafter before any occupancy whatsoever shall be permitted whether whole or in part.

(B) Due to architectural characteristics and design it may be required that additional protection and fire separation shall be proved for the health, safety, and welfare of the occupants before any partial occupancy is permitted.

(Ord. 2561, passed 10-28-82)

§ 150.221 EXTERIOR OF BUILDING.

(A) The exterior of the building shall be complete in every detail, including roof, gutters, downspouts, glazing, painting and masonry cleaning, and any other work that will require the use of cranes, ladders, and scaffolds shall be completed.

(B) Where work is to continue on buildings over five stories and exterior lift may be used to transport building materials to the higher floors and

International Property Maintenance Code[®]



*FRONT
COUNTER*

2000



[F] 303.3 Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

303.4 Structural members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

303.5 Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

303.6 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

303.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

303.8 Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

303.9 Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

303.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

303.11 Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

303.12 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

303.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

303.13.1 Glazing. All glazing materials shall be maintained free from cracks and holes.

303.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

303.14 Insect screens. During the period from [DATE] to [DATE], every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

Exception: Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

303.15 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

303.16 Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

303.17 Guards for basement windows. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.



SECTION 304 INTERIOR STRUCTURE



304.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

304.2 Structural members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

304.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking, or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

304.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

304.5 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

CHAPTER 5

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 501 GENERAL

501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

SECTION 502 REQUIRED FACILITIES

502.1 Dwelling units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

502.2 Rooming houses. At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

502.3 Hotels. Where private water closets, lavatories, and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

502.4 Employees' facilities. A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

502.4.1 Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler, or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

SECTION 503 TOILET ROOMS

503.1 Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

503.2 Location. Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

503.3 Location of employee toilet facilities. Toilet facilities shall have access from within the employees' regular working area. The required toilet facilities shall be located not more than one story above or below the employees' regular working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or public customer facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

SECTION 504 PLUMBING SYSTEMS AND FIXTURES

504.1 General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

504.2 Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

504.3 Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

★ SECTION 505 WATER SYSTEM ★

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

505.2 Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum

CHAPTER 6

MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601 GENERAL

601.1 Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

★ SECTION 602 HEATING FACILITIES ★

602.1 Facilities required. Heating facilities shall be provided in structures as required by this section.

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 65°F (18°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the *International Plumbing Code*. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from [DATE] to [DATE] to maintain a temperature of not less than 65°F (18°C) in all habitable rooms, bathrooms, and toilet rooms.

Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from [DATE] to [DATE] to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

602.5 Room temperature measurement. The required room temperatures shall be measured 3 feet (914 mm) above the floor

near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

SECTION 603 MECHANICAL EQUIPMENT

603.1 Mechanical appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

603.2 Removal of combustion products. All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

603.3 Clearances. All required clearances to combustible materials shall be maintained.

603.4 Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

603.5 Combustion air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

603.6 Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

★ SECTION 604 ELECTRICAL FACILITIES ★

604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the *ICC Electrical Code*. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.