

ARTICLE 10
HOUSING CODE SECTION

SECTION 10.1 DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this ordinance:

- (a) Apartment shall mean a self-contained unit with private bath and cooking facilities.
- (b) Basement shall mean a portion of a building located partly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.
- (c) Cellar shall mean a portion of a building located partly or wholly underground, and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.
- (d) Dwelling shall mean any building which is wholly or partly used or intended to be used for living or sleeping by human occupants; provided that temporary housing as hereinafter defined shall not be regarded as a dwelling.
- (e) Dwelling Unit shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating.
- (f) Extermination shall mean the control and elimination of insects, rodents and other pests.
- (g) Garbage shall mean the vegetable and animal waste resulting from the handling, preparation, cooking, and consumption of food.
- (h) Habitable Room shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet, compartments, laundries pantries, foyers, or communicating corridors, closets, and storage spaces.
- (i) Infestation shall mean the presence, within or around a dwelling, of any insects, rodents, or other pests.
- (j) Multiple Dwelling shall mean any dwelling containing more than two dwelling units.
- (k) Occupant shall mean any person over 1 year of age living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit or rooming unit.
- (l) Operator shall mean any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.

- (m) Owner shall mean any person who, alone or jointly or severally with others, who
- (1) shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof or who
 - (2) shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, administrator, trustee, or guardian of the estate of the owner.
- (n) Plumbing shall mean and include all of the following supplied facilities and equipment: Gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed clothes washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.
- (o) Rooming House shall mean any building or portion of a building in which sleeping accommodations not constituting an apartment are furnished at a fee for four or more persons ordinarily renting such accommodations at a specified rate for a specified time, and occupying the premises as a permanent place of abode rather than on a transient basis for a short term period of occupancy.
- (p) Rooming Units shall mean any room or group of rooms to be used for living or sleeping, but not for cooking purposes.
- (q) Rubbish shall mean combustible and noncombustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, etc.
- (r) Supplied shall mean paid for, furnished, or provided by or under the control of, the owner or operator.
- (s) Temporary Housing shall mean any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 consecutive days.
- (t) Meaning of Certain Words. Whenever the words “dwelling”, “dwelling unit”, “premises”, are used in this ordinance, they shall be construed as though they were followed by the words “or any part thereof”.

SECTION 10.2

The Housing Inspector and his designated agents are hereby authorized and directed to make inspections to determine the conditions of dwellings, dwelling units, rooming units and premises. All persons residing within the corporate limits of the City of Mt. Vernon shall permit the Housing

Inspector or his designated agents to enter upon premises owned or occupied by then for the purpose of making such inspections during regular business hours or weekdays.

SECTION 10.3 ENFORCEMENT

(a) Whenever the Housing Inspector determines that there are reasonable grounds to believe that there has been a violation of any provision of this Article, he shall give notice of such alleged violation to the person or persons responsible therefor. Such notice shall be in writing, stating the reasons for its issuance. It shall state a reasonable time for the performance of any act it requires and shall be served upon the owner or his agent, or the occupant, as the case may require. Such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon him personally; or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice; or if he is served with such notice by any other method authorized or required under the laws of this State.

(b) Said notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Article and with rules and regulations adopted pursuant thereto. Failure to comply with the requirements of such notice shall constitute a violation of this ordinance.

(c) Whenever the Housing Inspector finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Failure to comply with the requirements of such order shall constitute a violation of this ordinance.

SECTION 10.4 MINIMUM BASIC STANDARDS

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit which does not comply with the following requirements:

- (a) Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to a water and sewer system.
- (b) Every dwelling unit shall contain a toilet room which affords privacy to a person within said room and which is equipped with a flush water closet and a lavatory basin in good working condition and properly connected to a water and sewer system. The toilet cannot be within a room intended to be used for living, sleeping, cooking or eating purposes.
- (c) Every dwelling unit shall contain, within a room which affords privacy to a person within said room, a bathtub or shower in good working condition and properly connected to a water and sewer system.
- (d) Every required kitchen sink, lavatory, basin, and bathtub or shower shall be properly connected with hot and cold water lines.

- (e) Every dwelling shall have water-heating facilities which are properly installed and connected with the hot water lines required under the preceding paragraph, and are capable of heating water to such temperature as to permit adequate amount of water to be drawn at every required kitchen sink, lavatory basin, tub or shower at a temperature of not less than 120°Fahrenheit.
- (f) The occupants of every dwelling unit shall supply adequate rubbish storage facilities, adequate garbage disposal facilities or garbage storage containers.
- (g) Every dwelling unit shall have safe, unobstructed means of egress leading to safe and open space at ground level.
- (h) The windows, doors and other openings to external air shall be equipped with adequate springs or other appliances so attached or arranged as to prevent the ingress of flies, mosquitoes and other winged insects to the interior from April 15 to November 15 of each year and as to prevent the ingress of rodents to the interior.
- (i) No cellar space shall be used for human habitation.

SECTION 10.5 MINIMUM LIGHT, VENTILATION, AND HEATING STANDARDS

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

- (a) Every habitable room shall have at least one window or sky light facing directly to the outdoors. The minimum total window area for every habitable room shall be at least ten percent of the floor area of such room. Whenever walls or other portions of structures are located less than 3 feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the minimum total window area. Whenever the only window is the sky light type window in the top of such room, the total window area of such sky light shall equal at least 12 % of the total floor area of such room.
- (b) Every habitable room shall have at least one window or sky light which can easily be opened or such other device as will adequately ventilate the room. The total of openable window area in every habitable room shall be equal to at least 45% of the minimum window area size or minimum sky light type window size, as required in the previous paragraph, except where there is supplied some other device affording adequate ventilation and approved by the Building Inspector.
- (c) Every bathroom and water closet compartment shall comply with the light and ventilation requirements for applicable rooms contained in the previous paragraph, except that no window or sky light shall be required in adequately ventilated systems which are kept in continuous operation and approved by the Building Inspector.

- (d) Every dwelling shall have heating facilities which are properly installed, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments in every dwelling unit located therein to a temperature of at least 70°Fahrenheit, at a distance of 3 feet above the floor level, under ordinary minimum winter conditions.
- (e) Every public hall and stairway in every multiple dwelling containing 5 or more dwelling units shall be adequately lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than 4 dwelling units, may be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed, instead of full time lighting.

SECTION 10.6 MINIMUM SAFETY AND SANITARY REQUIREMENTS

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

- (a) Every floor, wall, ceiling, and roof shall be reasonably weather-tight, water-tight, and rodent-proof; and shall be kept in reasonably sound working condition and good repair.
- (b) Every inside and outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.
- (c) Every dwelling unit shall be supplied with electricity and have at least two electric outlets in each habitable room. Electric wiring and fixtures shall be properly installed and maintained in safe working condition.
- (d) Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstructions.
- (e) Every supplied facility, piece of equipment, or utility which is required under this ordinance shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition.
- (f) No owner shall occupy or let to another occupant any vacant dwelling unit unless it is clean, sanitary, and fit for human occupancy conforming with the requirements of this ordinance.
- (g) Every water closet compartment floor surface and bathroom floor shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

SECTION 10.7 MINIMUM SPACE AND USE REQUIREMENTS

No person shall occupy or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

- (a) Every dwelling unit shall contain at least 150 square feet floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.
- (b) In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space per each occupant thereof.
- (c) No dwelling or dwelling unit containing two or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room or a bathroom or closet compartment; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment.
- (d) At least one-half of the floor area of every habitable room shall have a ceiling height of at least 7 feet; and the floor area of that part of any room where the ceiling height is less than 5 feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.
- (e) No basement space shall be used as a habitable room or dwelling unit unless:
 - (1) The floor and walls are impervious to leakage of underground and surface run-off water and are insulated against dampness.
 - (2) The total of the window area in each room is equal to at least the minimum window area sizes required under Section 10.5.
 - (3) The clear inner height is at least 7 feet and no pipes and beams are below 6 feet from lower level.

SECTION 10.8 RESPONSIBILITIES OF OWNERS AND OCCUPANTS

- (a) Every occupant of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public area of the dwelling and premises thereof.
- (b) Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he occupies and controls.
- (c) Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish in a clean and sanitary manner.

- (d) Every occupant of a dwelling or dwelling unit shall dispose of all his garbage and any other organic waste which might provide food for rodents, in a clean and sanitary manner.
- (e) Every occupant of a dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises. Whenever infestation is caused by failure of the owner to maintain a dwelling in a rodent proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner.
- (f) Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
- (g) Every owner or operator of a building, who permits to be occupied any dwelling unit, or rooming unit herein under an agreement, express or implied, to the occupants thereof, shall supply heat adequate to maintain therein from September 15 through May 30 of the following year, a minimum inside temperature of 70°Fahrenheit at 3 feet above floor level based on outside design temperature in all habitable rooms, bathrooms, shower rooms, and toilet rooms or compartments, between the hours of 6:30 A.M. and 11:00 P.M. and not less than 60°Fahrenheit between the hours of 11:00 P.M. and 6:30 A.M. in all such rooms. Provisions of this section shall not apply where the failure to maintain minimum requirements is caused by a general shortage of fuel, neglect, or malicious act to the occupant, necessary repairs or alteration, or any cause beyond the control of the owner or occupant.

SECTION 10.9 ROOMING HOUSES

- (a) No persons shall operate a rooming house or shall occupy or let to another for occupancy any rooming house, except in compliance with provisions of every section of this Article, except the provisions of Section 10.4, paragraphs (a) through (g) and all parts of Section 10.8.
- (b) No person shall operate a rooming house unless he holds a valid rooming house permit issued by the Housing Inspector in the name of the operator and for the specific dwelling or dwelling unit. The operator shall apply to the City Clerk for such permit which shall be issued by the Building Inspector upon inspection and upon compliance by the operator with the applicable provisions of this ordinance and of any rules and regulations adopted pursuant thereto. The annual fee for such permit shall be \$2.00 per sleeping room.

Each permit shall be displayed in a conspicuous place within the rooming house at all times. No such permit shall be transferable. Every person holding such a permit shall give notice in writing to the Housing Inspector within twenty-four hours after having sold, transferred, or otherwise disposed of ownership or interest in or control of any rooming house. Such notice shall include the name and address of the person succeeding to the ownership or control of such rooming house. Every rooming permit shall expire on January 1 of the year following the year of issuance unless sooner suspended or

revoked as hereinafter provided. Permits not renewed by January 31 of each year shall be charged a penalty of \$1.00 per month for each month overdue.

- (c) Any person whose application for a permit to operate a rooming house has been denied may request and shall be granted a hearing on the matter before the Board of Appeals under the procedure set out in this Article.
- (d) Whenever the inspection of any rooming house indicates that conditions or practices exist which are in violation of any provision of this ordinance or of any rule or regulation adopted pursuant thereto or of any code previously or subsequently adopted by this Council, the Inspector shall give notice in writing to the operator of such rooming house that unless conditions or practices are corrected within a reasonable period, the operator's rooming house permit will be suspended. At the end of such period, the Housing Inspector shall reinspect such rooming house and if he finds that such conditions and practices have not been corrected, he shall give notice in writing to the operator that the operator's permit has been suspended. Upon receipt of notice of suspension, such operator shall immediately cease operation of such rooming house and no person shall occupy for sleeping or living purposes any rooming unit therein.
- (e) Any person whose permit to operate a rooming house has been suspended, or who has received notice from the Housing Inspector that his permit is to be suspended unless existing conditions or practices at his rooming house are corrected, may request and shall be granted a hearing on the matter before the Board of Appeals referred to herein; provided that if no petition for such hearing is filed within 30 days following the day on which such permit was suspended, such permit shall be deemed to have been automatically revoked.
- (f) At least one flush water closet, lavatory basin, and bathtub or shower, properly connected to a sewer and water system approved by the Housing Inspector and in good working condition, shall be supplied for each eight persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of said facilities. Provided it is a rooming house where rooms are let only to males, flush urinals may be substituted for not more than ½ of the required number of water closets. All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times. No such facilities shall be located in a basement except by written approval of the Housing Inspector.
- (g) Every room occupied for sleeping purposes by one person shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one shall contain at least 50 square feet of floor space for each occupant thereof.
- (h) Every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by the laws of the State of Illinois and ordinances of the City of Mt. Vernon.
- (i) The owner or operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and the maintenance of a sanitary condition in every other part of the rooming house; and he shall further be responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.

- (j) Every provision of this ordinance which applies to rooming houses shall also apply to hotels and motels except to the extent that any such provision may be found in conflict with the laws of the State of Illinois or with the lawful regulations of any State Board or Agency.
- (k) The operator of every rooming house shall change supplied bed linens and towels therein at least once every week and prior to the letting of any room to an occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.

SECTION 10.10 DESIGNATION OF UNFIT DWELLING AND PROCEDURE FOR PROSCRIPTION

The designation of dwelling or dwelling units as unfit for human habitation and the procedures for the proscription and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following requirements:

- (a) Any dwelling or dwelling unit which shall be found to have any of the following defects shall be proscribed as unfit for human habitation or required to be brought up to standards of this Article and shall be so designated and placarded by the Housing Inspector or his designated agents.
 - (1) One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin infested that it creates a serious hazard to health or safety of the occupants or to the public.
 - (2) One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
 - (3) One which, because of its general condition or location, is unsanitary or otherwise dangerous, to the health or safety of the occupants or of the public.
- (b) Any dwelling or dwelling unit proscribed as unfit for human habitation, and so designated and placarded shall be vacated within a reasonable time as ordered by the Housing Inspector. Failure to comply with such vacation order shall be deemed a violation of this ordinance.
- (c) No dwelling or dwelling unit which has been proscribed and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from and such placard is removed by the Housing Inspector. The Housing Inspector shall remove such placard whenever the defect or defects upon which the proscription and placarding action were based have been eliminated.
- (d) No person shall deface or remove the placard from any dwelling or dwelling unit which has been proscribed as unfit for human habitation and placarded as such, except as provided in the preceding paragraph.

SECTION 10.11 VIOLATIONS

Any person who maintains as occupant or owner any dwelling, dwelling unit or premises which

does not comply with the requirements of Section 10.4 through 10.9 of this Article shall be deemed guilty of a violation of this Article.

SECTION 10.12

An appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the City from any decision of the Housing Inspector under the terms of this Article. An appeal shall be initiated by the filing of a written notice to appeal within thirty (30) days from the date of the decision appealed. Such notice shall be filed with the Zoning Board of Appeals created under the terms of Section 21.24 of this Revised Code of Ordinances and shall specify the grounds of appeal, except that in the case of a building or structure which in the opinion of the Building Inspector, Housing Inspector, Fire Chief or Fire Prevention Inspector, may in his order limit the time for appeal to a shorter period. The Housing Inspector shall forthwith transmit to the Zoning Board of Appeals all of the papers upon which the action appealed from was taken when notified of the appeal by the Board of Appeals.

The term "Building Inspector" as it is used within Article 10 of the Revised Code of Ordinances shall be and is hereby amended to read "Housing Inspector" in any other place in which it appears in Article 10.