

ORDINANCE NO. 2019 - 07

AN ORDINANCE OF THE COUNCIL OF THE CITY OF ANNA
PROVIDING FOR THE INSPECTION OF NON OWNER OCCUPIED DWELLINGS

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ANNA

AUGUST 6, 2019

ORDINANCE NO. 2019 –

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THAT WHEREAS, pursuant to the Illinois Municipal Code the City of Anna is empowered to create rules and regulations to protect and promote the health, safety and welfare of it's citizens; and

WHEREAS, to that end, the City of Anna deems it necessary and proper to enact an ordinance for the periodic inspection of all non-owner occupied dwellings within it's corporate limits.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF ANNA, UNION COUNTY, ILLINOIS AS FOLLOWS:

**CITY OF ANNA, ILLINOIS INSPECTION ORDINANCE
FOR NON OWNER OCCUPIED DWELLINGS**

ONE: PURPOSE:

The intent and purpose of this Ordinance is to protect the public health, safety and the general welfare of the citizens of the City of Anna. These general objectives include, among others, the following specific purposes:

1. To protect the character and stability of residential areas within the City of Anna.
2. To insure minimum standards concerning the maintenance of non-owner occupied dwellings within the City of Anna.
3. To prevent conditions which would be injurious to the life, health safety or general welfare of the occupants of non-owner occupied dwellings or neighboring properties.

4. To provide minimum standards for the maintenance of existing non-owner occupied residential buildings to preclude unsuitable residential housing.
5. To preserve the taxable value of land and buildings throughout the City.
6. Concerning non-owner occupied dwellings, to fix the responsibility and duties of owners, operators, agents, and occupants of such dwellings, dwelling units, rooming houses, multiple dwellings, and rooming units so that they are fit for human habitation.
7. To fix penalties for the violations of this Ordinance.

It is the intent of this Ordinance that each provision of this Article shall be liberally construed to effectuate the purposes as stated above.

Nothing in this Article shall be deemed to abolish or impair existing remedies of the City of Anna or it's officers or agents relating to the removal or demolition of any buildings which are deemed dangerous, unsafe or unsanitary or the abatement of any nuisance.

TWO: APPLICABILITY TO NON OWNER OCCUPIED DWELLINGS:

Within the Corporate limits of the City of Anna, Illinois, each building or premises, or any part thereof, used, designed, or intended to be used for any non-owner occupied dwelling purpose shall be subject to inspection. Each such dwelling shall comply with the provisions of this Article, irrespective of when such building shall have been constructed, altered or repaired, and irrespective of any permit or license which shall have been issued for the construction or repair of the building or for the installation or repair of equipment or of the facilities prior to the effective date of this ordinance. This ordinance establishes minimum standards required to be met at all times for non-owner occupied dwellings, apartments, land and rooms.

THREE: INSPECTIONS AUTHORIZED:

A. The City Code Enforcement Officer and the Fire Department, and/or their designee, are hereby authorized to conduct inspections of any and all rental dwellings, or units thereof within the Anna city limits to determine compliance with this ordinance.

B. The City Code Enforcement Officer and Fire Department, and/or their designee, are hereby authorized to enter, examine, and evaluate all rental dwellings within the Anna city limits. All inspections shall occur at a reasonable hour, with a minimum of three days' notice, EXCEPT in emergency situations where the life, health and or safety of any individual is threatened.

FOUR: FREQUENCY OF INSPECTIONS:

Other than hotels and motels as defined herein, inspection of non-owner occupied dwellings shall be subject to inspection each time it is rented, let, or sublet, but no less than every two (2) years. The City Inspector will conduct the inspection and confirm that the basic standards set forth in Sections Seven, Eight and Nine hereunder, are complied with.

FIVE: CONFLICT WITH OTHER ORDINANCES:

In any case where a provision of this Article is found to be in conflict with a provision of any zoning, building, electrical, plumbing, fire, safety, or health ordinance, or regulation of the City regulating existing buildings, the provision which establishes the most restrictive standard shall prevail.

SIX: DEFINITIONS:

ACCESSORY STRUCTURE: A detached structure which is not used and not intended to be used for living for living or sleeping by human occupants and which is located on the same premises as a principal structure and the use of such accessory structure is incidental to the principal structure.

APPROVED: Approved by the City Code Enforcement Officer of the City of Anna, Illinois, or his/her designate.

BASEMENT: That portion of a building partly underground by having more than half of it's floor-to-ceiling height below the average grade of the adjoining ground.

BATHROOM: Enclosed space containing one or more bathtubs, showers, or both, and which may also include toilets, lavatories, or fixtures serving similar purposes.

BUILDING: A combination of any materials, whether portable or fixed, having a roof to form a structure affording shelter for persons, animals, or property. The word "building" shall be construed, when used herein as though followed by the words "or parts thereof" unless the context clearly requires a different meaning.

DWELLING: Any building which is wholly or partly used, designed, 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.

DWELLING UNIT: Any room or group of rooms located within a dwelling forming a single habitable unit with facilities which are used, designed or intended to be used for living, sleeping, working and eating.

EGRESS: Arrangements and openings to assure a safe means of exit from buildings.

EXTERIOR PROPERTY AREAS: Open spaces on the premises and vacant open space on adjacent premises.

EXTERMINATION: The control and elimination of insects, rodents, or other pests by eliminating their harborage; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the proper authorities.

GARBAGE: Anything that may decompose and become offensive or dangerous to health, including, but not limited to waste products resulting from handling, storage, preparation, cooking and consumption of food.

GUEST: A person invited to visit or stay in someone's dwelling.

HABITABLE ROOM: A room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes.

HOT WATER: Water heated to a temperature of not less than one hundred degrees Fahrenheit (100 degrees Fahrenheit) at the outlet.

HOTEL: A commercial establishment with six or more rooms to rent, providing temporary lodging and services to paying guests.

INFESTATION: The presence, within or contiguous to a dwelling, dwelling unit, rooming house, multiple dwelling, rooming unit, or premises, of insects, rodents, vermin and other pests.

INSPECTOR: City Code Enforcement Officer or his/her designate.

KITCHEN: Any room containing the following equipment: sink or other device for dishwashing; stove or other device for cooking; refrigerator or other device for cold storage of food; cabinets or shelves for storage of cooking equipment and utensils; and counter or table for food preparation.

LANDLORD: A person/entity who/which rents land, a building, a room, or an apartment to a tenant.

LET: Any lease, agreement or arrangement permitting occupancy or use; and also any contract for deed, or agreement to purchase, or unrecorded deed permitting occupancy or use of a dwelling unit which is not actually receiving the General Homestead Exemption from taxation under 35 ILCS 200/15-175 during said occupancy of use.

LODGING: A place in which someone lives or stays temporarily.

MEANING OF CERTAIN WORDS: Whenever the words “dwelling”, “dwelling units” “rooming units”, “premises”, “structure” are used in this Article, they shall be construed as though they were followed by the words “or any part thereof”. Words used in the singular include the plural, and in the plural the singular, the masculine gender includes the feminine and the feminine the masculine.

MOBILE HOMES: A factory-assembled, movable dwelling designed and constructed to be towed in its chassis, comprised of frame wheels, to be used without a permanent foundation, and distinguishable from other types of dwellings in that the standards to which it is built include provisions for its mobility on that chassis as a vehicle. Removal of the tongue, wheels, or hitch, or placement of the structure upon a permanent foundation shall not be considered in determining whether or not a structure is a mobile home.

MOTEL: A roadside hotel designed to provide temporary lodging and parking for people who are traveling.

MULTIPLE DWELLING: Any dwelling containing more than one (1) dwelling unit and/or rooming unit.

OCCUPANT: Any person living, sleeping, cooking, or eating in, or having actual possession of a dwelling unit or rooming units.

OPERATOR: Any person who has charge, care or control of a multiple dwelling, hotel, motel or rooming house, in which dwelling units or rooming units are let or offered for occupancy.

OWNER: Any person or entity who shall have a legal, equitable or beneficial interest in the subject of real estate, or any improvements thereto, or a reversionary leasehold interest in the subject real estate, or any improvements thereto, or a capacity to manage the subject real estate or any improvements thereto pursuant to an Order of Court, power, or agreement.

PERSON: Any individual, firm, corporation, association, partnership, or other legally recognized entity.

PLUMBING: All of the following facilities and equipment: gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, showers, installed clothes washing machines, catch basins, drains, vents, and any other similar equipment and fixtures, and the installation thereof, together with all connections to water, sewer or gas lines.

POTABLE WATER: Water duly approved as satisfactory and safe for drinking by the Illinois Environmental Protection Agency.

PREMISES: A lot, plot or parcel of land including any buildings or structures thereon.

PUBLIC SEWER: A sewerage system operated by the City of Anna, Illinois, and available for public use.

RENT: Money, or another form of compensation, paid for the use of a dwelling, apartment, or room within a dwelling.

RENTAL DWELLING: Any dwelling or dwelling unit which is occupied pursuant to a lease or other rental agreement or arrangement. A single family dwelling being purchased by the occupant pursuant to a contract for deed is not a rental dwelling.

ROOMING HOUSE: Any dwelling or part of a dwelling containing one or more rooming units in which space is rented by the owner or operator to persons who are not the husband, wife, father, mother, son, daughter, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin of the first degree, of the owner or operator.

ROOMING UNIT: Any room or group of rooms intended to be used for living or sleeping but not for cooking purposes.

RUBBISH: Combustible and noncombustible waste material, except garbage.

SEWAGE: Waste from a flush toilet, bath, sink, lavatory, dishwashing or laundry machine, or the water carried waste from any other fixture or equipment or machine.

STRUCTURE: A combination of any materials, whether fixed or portable, forming construction, including buildings. The word structure shall be construed as though followed by the words "or part or parts thereof".

SUPPLIED FACILITIES: Facilities paid for, furnished or provided by, or under the control of the owner or operator.

TEMPORARY HOUSING: Any tent, recreational vehicle as defined by 625 Illinois Compiled Statutes, or other structure used for human shelter which is designated to be transportable and which is not attached to the ground, to another structure, or to any utility system for more than fifteen (15) consecutive days, or thirty (30) days, during any calendar year.

VENTILATION: Supply and removal of air to and from any space by natural or mechanical means.

VERMIN HARBORAGE: Any place where rats, mice, raccoon, opossum, groundhog, stray cats or other animals that are pests can live, nest or find shelter.

VERMIN PROOFING: A form of construction which will prevent the ingress or egress of vermin to or from a given space or building, or gaining access to food, water, or vermin harborage. It consists of the closing and keeping closed of every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk gratings, sidewalk openings, and other places that may be reached and entered by vermin by climbing, burrowing or other methods, by the use of materials impervious to vermin gnawing and other methods approved by the appropriate authority.

SEVEN: STANDARDS FOR NON-OWNER OCCUPIED PROPERTY:

No person/entity shall rent or let to another for occupancy, any dwelling unit which does not comply with the following requirements:

A. Free From Hazards: All such rental/let property shall be free from conditions which might create a health, accident or fire hazard, or which might endanger the public welfare, including, but not limited to: holes, exposed wires; absent switch plate/outlet covers; broken outlets or switches; inoperative or abandoned vehicles or machinery; unused household goods or appliances and other objects or materials. Walks, steps, and driveways that contain holes or tripping hazards shall be filled, repaired, or replaced as necessary. No unlicensed, inoperable junk, or nuisance motor vehicle nor other nuisance as defined within City Ordinances No. 530, 2004-01, and 2014-04 shall be permitted on the premises.

B. Free From Rubbish and Garbage: Disposal of rubbish and other refuse shall be done in accordance with all regulations of the City. The property shall be free of accumulating rubbish and garbage.

C. Sewage: Sewage must be legally discharged into the public sewage system.

D. Noxious Weeds: Exterior property areas shall be kept free of all weeds which are detrimental to the public health, including, but not limited to ragweed, poison ivy, poison oak, and poison sumac.

E. Insect And Vermin Harborage: Insect or vermin breeding areas, harborage, or infestation shall be eliminated.

F. Storage Of Materials: In the event that occupancy usages would result in stacking or piling materials, the materials shall be so arranged as to prevent the creation of a vermin harborage area. No stacking or piling of material shall take place against the exterior wall of the structure.

G. Water: Water shall not be permitted to accumulate or stand on the premises so as to create any stagnant condition, mosquito breeding ground, offensive smell, unsightly condition, unsafe or hazardous condition or other condition potentially harmful to the public health or safety.

EIGHT: STANDARDS FOR MAINTENANCE OF DWELLINGS AND DWELLING UNITS:

No person or entity shall own or occupy or let to another for occupancy and dwelling or dwelling unit which does not comply with the following requirements:

A. Foundations, Floors, Walls, Ceilings and Roofs: Every foundation, floor, wall, ceiling and roof shall be reasonably weather tight and vermin proof, shall afford privacy, and shall be kept in good repair. The foundation elements shall adequately support the building at all points; floors shall be free of hazard; every exterior wall shall be free of holes, breaks, loose or rotting boards and timbers, and any other condition which might admit vermin, rain or dampness to the interior portions of the walls, or the interior spaces of the dwelling; all exterior surface materials shall be protected from the elements and decay by paint or other protective covering or treatment, when required to prevent deterioration. Paint or other protective materials must be maintained free of deterioration, in sound condition and good repair. Interior walls shall be free of holes and large cracks, loose plaster and other structural material. The roof shall be tight and shall have no defects which admit rain. All openings for pipes, conduits and other utility services accessible to vermin shall be closed solidly for the full thickness of the wall, floor, roof, etc., with an approved vermin proof material or fitted with a collar or shield, securely fastened to the wall or floor.

B. Windows, Exterior Doors And Basement Hatchways: Every window, exterior door, and basement hatchway, shall be reasonably watertight, and vermin proof, and shall be kept in good working condition and good repair.

C. Stairs And Porches: Every inside and outside stair, every porch and every appurtenance to any of the foregoing shall be safe to use and capable of supporting the loads that normal use may cause to be placed thereon, and all of the aforesaid shall be kept in sound condition and good repair.

D. Chimneys, Flues, And Vents: All chimneys, flues, and vents on every structure used for human habitation shall be structurally sound, free from defects and capable of performing the function for which the same are designed or used.

E. Rubbish And Garbage: The interior of every structure used for human habitation shall be maintained free from rubbish and garbage that might become a health, accident or fire hazard.

NINE: STANDARDS FOR BASIC EQUIPMENT AND FACILITIES:

No person or entity rent or let to another for occupancy any dwelling or dwelling unit intended for the purposes of living, sleeping, cooking or eating therein, which does not comply with the following requirements:

A. Kitchen Equipment: A room or portion of a room in which food may be prepared and/or cooked, including:

1. A kitchen sink in good working condition and properly connected to the City of Anna's water and sewage system in accordance with the applicable ordinances of the City and the statutes of the State of Illinois.
2. All appliances, when provided, shall be in good working condition.

B. Toilet Facilities: A room affording privacy to a person within said room and which is equipped with a flush water closet and lavatory basin, both in good working condition and properly connected to the City's water and sewage system in accordance with the applicable ordinances of the City of Anna, and statutes of the State of Illinois.

C. Bathing Facilities: A room which affords privacy to a person within said room and which is equipped with a bathtub or shower in good working condition and properly connected to the City's water and sewage system in accordance with the applicable ordinances of the City of Anna, and statutes of the State of Illinois. The room containing the toilet facilities required in subsection B above, and the room containing the bathing facilities required by the provisions of this subsection may be one and the same room.

D. Water Supply: Every kitchen sink, lavatory basin, and bathtub or shower required under the provisions of this Article shall be properly connected to the City of Anna's water system with both hot and cold water lines.

E. Water Heating Facilities: Every dwelling unit shall have water heating facilities which are properly installed and connected and are capable of heating water.

F. Garbage Storage Facilities: Every dwelling unit shall have adequate garbage storage containers. Garbage shall be placed in containers with tightly fitted lids. Containers shall not be located in such a manner to be visually offensive, a health threat, or a nuisance due to the blowing of debris from the containers by the wind odors from the container or for any other reason. Containers, except on the day of pick-up, shall be situated immediately adjacent to a building, containers shall not be placed or situated adjacent to any street or alley within any yard, except as herein provided.

G. Rubbish Storage: No rubbish shall be stored or placed upon any premises or within a dwelling unit, except rubbish may be temporarily placed within containers with tightly fitted lids or inside an accessory structure in a manner such that the rubbish creates no nuisance, fire hazard, vermin harborage, or other danger.

H. Egress Requirements: Every dwelling unit shall have at least one unobstructed means of egress that leads to a public street or alley either directly or through a court or yard. Every dwelling unit located on the second or higher story shall have at least two such exits. An emergency escape ladder placed upon each second or higher story shall be considered an acceptable second means of egress as long as it is UL Underwriters Laboratory listed and approved. The requirement to provide an approved emergency escape ladder shall be the sole responsibility of the owner. Passage to a dwelling unit's exit(s) shall not lead through any other dwelling unit or through a space that might reasonably be locked by anyone who is not a member of the household. Any basement bedroom shall have two exits, if one is a window, it shall be at least 5.7 square feet of clear opening.

I. Smoke Detectors: Every dwelling unit shall be equipped with a properly installed smoke detector on each story of the dwelling unit and within fifteen feet (15') of each sleeping room area, which detector shall comply with the applicable Ordinances of the City and with the Statutes of the State of Illinois.

J. Carbon Monoxide Detectors: Every dwelling unit shall be equipped with a properly installed carbon monoxide detector on each story of the dwelling unit and within fifteen feet (15') of each sleeping room area, which detector shall comply with applicable Ordinances and Codes of the City and with the Statutes of the State of Illinois.

K. Plumbing: Every dwelling unit shall have properly installed sewer lines, water lines, plumbing fixtures, vents, and drains all of which shall be maintained free from obstructions, leaks, or defects so as to prevent structural deterioration or health hazards. All plumbing shall comply with the State of Illinois Plumbing Code and applicable Ordinances of the City.

L. Stairway And Porches: Every stairway, inside or outside a dwelling, and every porch shall be kept in a safe condition, free of deterioration, and in sound repair. Every open

stairwell and every flight of stairs and every porch shall comply with applicable City Ordinances.

M. Heating Facilities: Every dwelling shall have permanent heating facilities which are properly installed, maintained in safe and good working condition with proper safety devices; and which 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 sixty eight degrees Fahrenheit (68 degrees Fahrenheit) under ordinary winter conditions. Permanent heating facilities are not capable of being readily moved around the dwelling and are generally affixed directly to the building. Examples of permanent heating facilities include but are not limited to oil; gas, electric and coal furnaces or boilers; electric heat pumps; wood furnaces or stoves, electrical baseboard heaters, active or passive solar services; or devices connected to a district heating system. Permanent heating facilities can be used singly or in combination to meet the performance standards contained herein. Any auxiliary heater shall be UL approved and equipped with automatic shutoff. Auxiliary heating devices include but are not limited to portable electric space heaters and portable kerosene or oil heaters.

TEN: STANDARDS FOR ROOMING HOUSES:

Notwithstanding anything in this Article to the contrary, no person or entity shall operate a rooming house, or let to another for occupancy in any rooming house, unless such rooming house complies with the following requirements:

A. Bathing And Toilet Facilities: At least one flush water closet, lavatory basin and bathtub or shower, in good working condition and properly connected to sewer and water system in accordance with the applicable articles and Ordinances of the City and the laws of the State shall be supplied for six (6) persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of said facilities. Such bathing and toilet facilities shall be reasonably accessible from a common hallway or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times.

B. Means of Egress: Every rooming unit shall have immediate access to not less than two (2) safe, unobstructed means of egress, leading to safe and open space at ground level.

C. Maintenance: Every rooming house shall be maintained in a safe and sanitary condition and full compliance with those standards set forth in Sections Seven, Eight and Nine of this Ordinance.

D. Hotels And Motels: Every provision of this Ordinance, applicable to rooming houses, shall apply equally to hotels and motels.

E. Mobile Homes: Every provision of this Article applicable to rooming houses shall apply equally to mobile homes used for rooming houses.

ELEVEN: PRIMARY RESPONSIBILITIES:

A. Intent: It is the intent of this Section to establish primary responsibilities in certain areas of compliance with the provisions of this Article. Each owner and/or occupant shall have responsibility for compliance with this Article and be subject to enforcement, notwithstanding an agreement assigning primary or other responsibility to the other or to a third person.

B. Primary Responsibilities of Occupants: Every occupant of the age of eighteen (18) years or older shall be primarily responsible as to that part of any building, structure or premises over which such occupant shall have a right to possession or control, for the following:

1. To keep the same in a clean and sanitary condition.
2. To not permit rubbish, garbage or other materials to accumulate so as to create a vermin harborage.
3. To dispose of rubbish, garbage and other material in the manner provided by City Ordinances.

4. To not do anything to cause intentional interruption or disconnection of any utility for which the occupant is liable.
5. To maintain and replace required screens after the owner has fulfilled all his/her primary responsibilities regarding the same as hereinafter set forth in subsection C of this Section.
6. To remove any abandoned or inoperative vehicle or machinery owned by the occupant as provided by City Ordinance.

C. Primary Responsibilities Of Owners: Every owner shall be responsible as to that part of any building, structure or premises over which such owner has the right to possession or control, including but not limited to areas used by the public or used in common by occupants of two (2) or more dwelling units, as hereinafter set forth (such responsibilities shall likewise apply to any other part of a building, structure or premises where the content of any such responsibility so implies) as follows:

1. To keep the same in a clean and sanitary condition.
2. To not permit rubbish, garbage or other materials to accumulate so as to create a vermin harborage.
3. To comply with the City of Anna's rules and regulations pertaining to garbage/rubbish containers.
4. To ensure that their rental property is free from insects and vermin.
5. To keep and maintain all supplied facilities in good and proper condition and operation.
6. To provide and maintain in working order a permanent heating system as specified in this Ordinance.
7. To not do anything to cause an intentional interruption or disconnection of any utility for which the owner is liable.
8. To remove any abandoned or inoperative vehicle or machinery not owned by the current occupants from the premises as provided in City Ordinances.

TWELVE: ENFORCEMENT:

A. Enforcement Officer Duties: The Chief Code Enforcement Officer of the City and Inspectors of the Fire Department or authorized designees of each, are hereby authorized and directed to administer and enforce the provisions of this Ordinance. This broad responsibility encompasses, but is not limited to, the following specific duties:

1. To inspect dwellings, accessory structures, and residential premises in accordance with this Ordinance.
2. To take appropriate actions to correct violations of this Ordinance.
3. To maintain up-to-date records of all matters pertaining to the administration and enforcement of this Ordinance.
4. To attend the applicable meetings of the City Council, any Court hearings concerning this Ordinance, and to cooperate with the corporate authorities, including the City Attorney's Office.
5. To prepare a uniform inspection checklist.
6. To make surveys in any area of the City to determine the general condition of structures used for human habitation, the extent of any deterioration, lack of facilities and maintenance, unsafe and unsanitary conditions, the extent of overcrowding and land use, and any other matters relating to the provision and requirements of this Ordinance.
7. To perform such other duties as the corporate authorities may from time to time prescribe.

B. Inspections: In order to safeguard the health, safety, and welfare of the public, the City Code Enforcement Officer and Fire Department are hereby authorized to make exterior and interior inspections of all dwellings, dwelling units, rooming houses, rooming unit hotels, motels, multiple dwelling and premises, when the same shall appear necessary to determine the conditions thereof and the compliance or noncompliance with the provisions of this Ordinance. Immediate access to and entry to any such dwelling, dwelling unit, rooming house, rooming unit hotel, motel, multiple dwelling or premises, shall be afforded any such inspector in the case of an emergency determine by the City Code Enforcement Officer or Fire Department to exist. No such access and entry shall be required, however, unless such inspector shall first identify

himself/herself and request entry; and exhibit his/her badge or other visual identification to any person entitled to the same who requests said identification. Every owner, owner's agent, and occupant of a rental dwelling(s) shall provide access to the rental dwelling(s) as required by this Ordinance. If any owner or occupant of a dwelling unit fails or refuses to permit free access and entry to the structure or premises under his/her control, or any part thereof, with respect to which an inspection authorized by this Ordinance is sought to be made, the City may withhold any/all utility and water service to that premises and declare same to be uninhabitable.

C. Notice Of Violations: Except as otherwise provided in this Article, in those instances where the City Code Enforcement Officer or Fire Department shall determine that there exists a violations of this Ordinance written notice of such violations shall be given the person alleged to have committed the violations or to be responsible for the violations. In the case of rental dwellings, notice of violations shall be given to the owner or the owner's agent and the occupant of the rental dwelling or unit. Such written notice shall state the alleged violations and a legal description or local address of the structure in violation. It shall state that such violation must be corrected within a reasonable time period specified by the City Code Enforcement Officer or Fire Department based on the nature and severity of the violation. Such notice may be personally served on the person to whom addressed or may be sent by first class, registered, or certified mail, to the last known address of the addressee; such service by mail shall be deemed to have been served at the time of the deposit in the mail thereof. Service shall also be made by posting a placard copy of such notice in a conspicuous place in or about the building, structure or premises in question. Notwithstanding anything to the contrary, notice may be given in any other manner permitted by law in the service of process in civil cases.

D. Unfit Dwelling Units: In addition to any other rights and powers granted the City Code Enforcement Officer and Fire Department under the provisions of this Article, the City Code Enforcement Officer or Fire Department may designate and find unfit for human habitation any dwelling, dwelling unit, rooming house, hotel, motel, rooming unit, multiple dwelling or premises and may so placard the same, in a manner described in subsection C of this Section upon determining that one or more or all of the following conditions exist:

1. The building, structure or premises lacks sanitation, heat or other facilities adequate to protect the health and safety of the occupants or of the public.
2. The building, structure or premises is damaged, decayed, unsanitary, unsafe or vermin infested in such a manner and to such extent as to create a serious hazard to the health and safety of the occupants or of the public.
3. The building, structure or premises, because of the location thereof, the general conditions existing, the state of the premises or number of occupants, is so unsanitary, unsafe, overcrowded or otherwise detrimental to the health and safety that it creates a serious hazard to the health and safety of the occupants or the public.

E. Notice Of Intent To Vacate: Whenever the City Code Enforcement Officer or Fire Department determines that a dwelling, unit, rooming house, rooming unit, or multiple dwelling, is unfit for human habitation as provided in subsection D of this Section, it shall include such findings within the notice of violations provided for in subsection C of this Section, and it shall also include a statement of its intent to vacate and placard the dwelling, dwelling unit rooming house, rooming unit, or multiple dwelling, if compliance with the provisions of the notice of violation has not been secured.

F. Order To Vacate: Whenever a notice of violation, as provided for under subsection C of this Section, has not been complied with, the City Code Enforcement Officer or Fire Department may order the dwelling to be vacated. A copy of such notice to vacate shall be served on the owner, agent, operator or the occupant, as provided in subsection C of this Section.

G. Vacating An Unfit Dwelling: Any dwelling or dwelling unit, rooming house, rooming unit, or multiple dwelling designated as unfit for human habitation pursuant to subsection D of this Section and ordered vacated as provided in subsection F of this Section, shall be vacated within such reasonable time as the City Code Enforcement Officer or Fire Department may specify in the order. No such dwelling, dwelling unit rooming house, or multiple dwelling shall again be used for human habitation and the placard removed until written approval is secured from the City Code Enforcement Officer or Fire Department.

H. Removal Of Placard: No person shall deface or remove the placard from any dwelling, dwelling unit, rooming house, rooming unit, or multiple dwelling which has been designated as unfit for human habitation.

I. Vacated Dwellings Made Secure: The owner, agent, or operator of any dwelling, dwelling unit, rooming house, rooming unit, or multiple dwelling shall be deemed necessary. Any vacant building open at a door or window or other unenclosed opening shall be deemed dangerous to human life and a nuisance within the meaning of this provision.

J. Power To Act In Emergencies: Notwithstanding the notice of violation provisions of this Section as provided by subsection C of this Section, whenever the City Code Enforcement Officer or Fire Department, at any time, shall determine that a violation of this Ordinance exists and that such violation is of such a nature as to require immediate action to abate a hazard or immediate danger to the health, safety, or welfare of the occupants of any building or structure of the public, the City Code Enforcement Officer or Fire Department may issue an order citing the violation and ordering the immediate abatement or removal or correction of such hazard or danger as the City Code Enforcement Officer or Fire Department deems necessary and proper. Any order issued under the provision of this subsection shall be and become effective immediately upon the issuance thereof. The powers granted by this subsection shall be in addition to any and all other rights and powers granted by law.

K. Transfer Of Interest In Certain Property: No person having any interest in any property that is described in any violation of this Ordinance or any order issued under this Ordinance shall sell, transfer, grant, convey, mortgage, lease or otherwise dispose of any such interest in said property so long as any such violation continues to exist, unless such person having the right to sell, transfer, grant, convey, mortgage, lease or otherwise dispose of any such interest in said property shall first furnish to the intended purchaser, transferee, grantee, donee, mortgagee, lease or other intended recipient of such property interest a true and exact copy of such notice or order, and

concurrently therewith furnish the City Code Enforcement Officer and Fire Department with the names and addresses of all such parties.

L. Records: All requests to inspect and/or copy records or documents prepared, maintained and under the control of the City shall be made in accordance with Illinois Freedom of Information Act.

THIRTEEN: PENALTY:

Any person who shall violate or assist in the violation of any provisions of this Ordinance shall, be fined in accordance with the City's Uniform Schedule of Fines for each offense. Each day that such violation continues shall constitute a separate offense. In addition, said persons shall be subject to an action for injunction to eliminate or to prevent violations of this Ordinance or of any other applicable Code of the City related thereto. The City, at its discretion, may refuse to provide and/or may disconnect water, sewer and gas service until any/all fines assessed pursuant to this Section are paid in full.

FOURTEEN: EFFECTIVE DATE:

The provisions of this Article shall be effective beginning August 6, 2019.

PRESENTED to the City Council of the City of Anna, Illinois this 6th day of August, 2019.

PASSED by the City Council of Anna, Illinois this 6th day of August, 2019.

RECORD OF VOTE:

YES

NO

MAYOR HARTLINE

✓

COMMISSIONER BIGLER

✓

COMMISSIONER BRYANT


✓

COMMISSIONER MILLER

✓

COMMISSIONER WEBB

✓



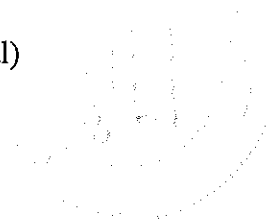
STEVE HARTLINE, MAYOR

ATTEST:



TINA SADLER, DEPUTY CITY CLERK

(Corporate Seal)



FILED FOR RECORD ON 8/7, 2019