

ARTICLE IV. PROPERTY MAINTENANCE

DIVISION 1. GENERALLY

Sec. 12-101.1. Title.

These regulations shall be known as the Property Maintenance Code of The City of Aurora, hereinafter referred to as "this code".

(Ord. No. 000-190, §§ 1, 2, 12-26-00)

Sec. 12-101. Code--Adopted.

A certain document, three (3) copies of which are on file in the office of the city clerk being marked and designated as The International Property Maintenance Code/2000 Edition as published by the International Code Council, Inc., is adopted as the property maintenance code of the city for the control of buildings and structures as herein provided; and each and all of the regulations of such International Property Maintenance Code are referred to, adopted, and made a part hereof as if fully set forth in this article, together with the additions, insertions, deletions and changes as prescribed in this article.

(Code 1969, § 23-31; Ord. No. 095-05, § 1, 2-7-95; Ord. No. 000-190, §§ 1, 2, 12-26-00)

Cross references: Fine schedule for violations, § 1-11.

Sec. 12-102. Additions, insertions, deletions and changes.

102.3, Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the applicable City of Aurora Building Code and City of Aurora Zoning Ordinance.

102.4, Existing remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the City of Aurora relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

104.4, Right of entry. The code official is authorized to enter the structure or premises between the hours of 8:00 a.m. and 8:00 p.m. to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law including, but not limited to, the obtaining of a warrant for inspection at a prescribed time.

106.3, Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law administrative proceeding or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

106.4, Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense and upon conviction or a finding of liability therefore, the person shall be subject to a fine of not less than \$50.00 nor more than \$500.00 per day.

107.2, Form: Such notice prescribed in Section 107.1 shall:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the reason or reasons why the notice is being issued.
4. Include a specific categorizing of the repairs and improvements required to bring the dwelling unit, structure or premises into compliance with the provisions of this code by violation and, if applicable, by deficiency as defined in Section 201.0.
5. Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code provided, however, that in the discretion of the code official, such notice may be expedited; and
6. Inform the property owner of the right to appeal.

108.4, Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard. Said structure, premises, or any parts thereof so placarded must be vacated or use discontinued by the time specified on such placard unless the defects upon which the condemnation and placarding action were based have been eliminated and said order revoked by the code official.

Section 109.7, Criminal housing management: Criminal housing management is hereby prohibited. A person commits criminal housing management when, having personal management or control of residential real estate, whether as a legal or equitable owner thereof, or as a managing agent or otherwise, he knowingly permits, by his gross carelessness or neglect, the physical condition or facilities of the residential real estate to become or remain so deteriorated that the health and safety of an inhabitant is endangered.

A person convicted of criminal housing management shall be fined not less than five hundred dollars (\$500.00) with a maximum fine as determined by the court or be imprisoned, or be subject to other remedies as provided by law as determined by the court.

110.5, Planting of grass. That after any demolition of building(s) and after removal of debris therefrom, black topsoil shall be spread four (4) inches deep over the entire surface of the building site; and the soil shall be seeded for grass or sodded within thirty (30) days of demolition or the commencement of seasonable weather, i.e., April 15 through June 15 and August 15 through October 15 inclusive. If seeded, seeding shall be established at a minimum of five (5) pounds per one thousand (1,000) square feet and shall be an approved commercial perennial blend. Once seeded or sodded, the grass shall be maintained; if need be it shall be replaced or reseeded or resodded until such time as the grass takes hold, grows and survives.

Vehicular access to the site shall be obstructed by physical objects such as landscape timbers embedded vertically in the ground.

111.2, Membership of board. Membership of the board of appeals shall be as provided for in the rules and regulations of the property maintenance code board of appeals.

111.2.1, Alternate members, is deleted in its entirety.

111.3, Notice of meeting. The board shall meet upon notice, within forty-five days of the filing of an appeal or at stated periodic meetings.

111.8, Stays of enforcement. Stays of enforcement shall be as provided for in the rules and regulations of the property maintenance code board of appeals.

111.9, Variations: The board may grant a variance in a specific case from those code sections where such a variation is specifically authorized, subject to appropriate conditions and provided the board makes specific findings of fact based upon evidence presented by the petitioner related to the following:

- (1) That there are practical difficulties or particular hardships in carrying out the strict letter of any notice, order or requirement;
- (2) That the effect of the application of the provisions would be unreasonable in the specific case;
- (3) That the alleged difficulty or hardship is caused by the ordinance and has not been created by any person presently having an interest in the property;
- (4) That such variance is in harmony with the general purpose and intent of this ordinance in protecting the public health, safety and general welfare.

111.10, Fees: The schedule of fees for appeals and variations shall be as established by ordinance or resolution.

111.11, Sections not eligible for appeal: In consideration of public health and safety issues, the following sections are not eligible for appeal:

- (1) Sections 302.4, 302.4.1 and 302.4.2.
- (2) Sections 302.8.1 through 302.10 inclusive.

Section 112.0, Licensing of the operation of dwellings, inclusive, is added and amended as follows:

PM 112.1: It is unlawful for any person to operate or maintain any non-owner occupied residential unit, two-family or multiple-family building, whether vacant or not, without first obtaining a license for such property, with the following exceptions:

(1) The following types of single-family dwellings must be registered with the City, at no charge, and shall be exempt from the interior inspection requirements of this ordinance, unless the conditions as set forth in subsections (1.) and (2.) are present:

(a.) Dwellings occupied by immediate family members of the owner, as well as their family members, where no rent is paid.

(1.) Such dwellings shall be required to be inspected on an exterior basis only and, if three (3) or more exterior violations of this code are found, or if a significant single code violation is found as determined by the code official or his designee, the property shall then be required to be licensed with the appropriate fee paid, and interior inspections made.

(2.) Such dwellings shall also be required to be licensed with the appropriate fee paid and interior inspections made if there are two (2) or more verified calls for police service at the premises within a consecutive twelve-month time period.

(2) The following types of single-family dwellings shall be exempt from registration and licensing inspections under this code:

(a.) Vacant single-family residences that are being prepared for sale by the heirs, trustees or legal representatives, after the death of the owner, for a period of up to two (2) years.

(b.) Single-family residences that are not occupied by the owner where no rent is paid and the same occupants have resided at the property for the last ten (10) years.

PM 112.1A: Licenses shall be for an entire structure, complex of buildings, or any sub-part thereof.

PM 112.2: The following types of dwelling units shall be excluded from licensing:

- (1) All owner-occupied units.
- (2) All owner-occupied, single-family properties.
- (3) Reserved.

(4) Reserved.

(5) Any property owned and operated by a college or university, including, but not limited to, dormitories, graduate housing, and school-owned apartments.

(6) Any property which is the subject of a contract sale and the seller or buyer resides in the property.

(7) Reserved.

(8) Units and premises licensed and inspected by the State of Illinois, including, but not limited to, motels and hotels, nursing homes, assisted living centers, and similar facilities.

(9) The applicable provisions of Section 100 provide the code official with the ability to perform inspections subject to the conditions enumerated therein. Although this ordinance exempts certain units and properties from licensure, the city reserves the right to perform reasonable inspections of those properties which are exempt and at all properties in the city, in accordance with law.

PM 112.3: Reserved.

PM 112.4: Every operating license shall expire on August 31st unless the property is granted an inspection waiver pursuant to section 112.10.

PM 112.5: The code official is hereby authorized, upon application, to issue new operating licenses and renewals thereof, in the names of the applicant owner.

PM 112.6: The code official may refuse to issue said licenses, and the City's administrative hearing officer may revoke or suspend said licenses, if the structure or premises is found, after inspection, not to meet all applicable requirements of this Code.

PM 112.7: No operating license shall be issued or renewed unless the applicant owner or the owner's local representative on behalf of the owner has first made application therefor on an application form provided by the city, paid the requisite fee, and successfully completed the mandatory crime-free housing seminar administered by the Aurora police department, or another approved program, prior to issuance of the license. The seminar may be attended after application has been submitted and the license will be issued after successful completion.

PM 112.8: No operating license shall be issued or renewed unless the applicant owner or the owner's local representative provides a minimum of one (1) off-street parking space per unit. Said parking space(s) shall comply with the requirements of section 10 of the Aurora Zoning Ordinance; except that Section 10.6.2 shall not be applicable. Where there are practical difficulties or particular hardships in complying with this provision as to providing the required number of off-street parking spaces, or type of construction of said spaces, said owner or local representative may apply for a variance of said provision as provided for in Section PM 110.5 of this Code.

PM 112.9: No operating license shall be issued or renewed unless the applicant owner or local representative limits the number of occupants so as not to exceed the minimum space requirements of section 404 of this chapter.

PM 112.10: The code official shall make an annual inspection of all structures and premises subject to licensing under the provision of this Code in order to determine whether the structures and premises, in connection with which such license is held, are in compliance with applicable provisions of this Code and with applicable rules and regulations adopted pursuant thereto.

PM 112.11: The annual inspection shall be automatically waived for two (2) years in the event that the previous year's inspection of all structures and premises subject to licensing under the provisions of this Code revealed no violations or revealed only deficiencies as defined in section 202.0. The city reserves the right to terminate the waiver and reinstate the annual inspection requirement in the event that violations are discovered. Licensing fees shall be waived during the period of the waiver.

PM 112.12: In cases where the owner resides more than thirty miles from the city limits, no operating license shall be issued or renewed unless the owner designates, in writing to the city, the name and address of a city resident, eighteen (18) years or older, as his local representative for the receipt of service of notice of violation of the provisions of this Code and for service of process pursuant to this Code when said owner cannot be found for thirty (30) or more days by proof of mail, unless said owner so designates that said local representative shall receive such notice and service in all instances instead of said owner.

PM 112.13: Every person or entity holding an operating license shall give notice in writing to the city within three (3) working days after having transferred or otherwise disposed of the legal control of any licensed dwelling or property. Such notice shall include the name and address of the person or persons succeeding to the ownership or control of such dwelling or property.

PM 112.14: At the end of the time allowed for correction of any violations cited, the code official shall re-inspect the structure and premises, and if he determines that such conditions have not been corrected, he may file a case with the city's administrative hearing officer, seeking the issuance of an order to correct the conditions or seek an order suspending or revoking the operating license. Tenant-caused violations of any provisions of this code will not be considered as grounds for suspension, revocation or failure to issue as long as licensee cooperates in a good faith and timely fashion to gain compliance. The code official may still issue an order suspending the operating license for failure to renew the license.

PM 112.15: If an owner is summoned before the hearing officer for suspension or revocation of the operating license, he shall give notice, in writing, to all of his tenants on that property. Said notice shall provide the following: the physical address of the property; the date and time that the property owner is to appear before the hearing officer; the fact that the appearance is due to alleged property maintenance violations; and the possible sanctions that may be imposed upon the property. The notice shall be delivered, either personally or by U.S. Mail, to each tenant on the property and must be posted in a prominent location on the property where the tenants are likely to see it.

PROCEDURES

PM 112.16: If the City's administrative hearing officer determines, after hearing, that any person or entity has failed to comply with this Code or any applicable rules and regulations adopted pursuant thereto, he may fine that person or entity, order remediation and compliance, or suspend or revoke the license held by that person. Such a hearing shall be held in accordance with the provisions of Chapter 12, Article VII of this Code. The City's representative shall present evidence in support of the suspension or revocation, and the license holder or the license holder's local representative shall be permitted to rebut such evidence and present any other evidence that is, in the discretion of the hearing officer, relevant and reliable. Based upon the evidence presented at the hearing, the hearing officer shall issue a written decision. The hearing officer's decision shall be final and binding. If the hearing officer orders a license suspended or revoked, he may order that the property, or portion thereof, be closed and secured against all unauthorized access, use, and occupancy for a period of not less than thirty (30) days nor more than one (1) year. If a suspension or revocation is ordered, the hearing officer shall set a status date at which he may, at his discretion, reconsider and amend such order. The suspension or revocation of any license shall not release or discharge the license holder from paying fees or fines under this Code, nor shall such license holder be released from criminal prosecution or further civil proceedings.

PM 112.17: Any person or entity whose license has been suspended or revoked by the City's administrative hearing officer after a hearing held under this Section may appeal the hearing officer's decision to the entity designated by the City Council to hear such appeals by filing a written notice of appeal with the City of Aurora's Law Department within three (3) business days of the person's receipt of the hearing officer's decision. Appeals may be stayed in the event that life- or safety-threatening conditions exist at the property, in which case, the suspension or revocation must proceed forthwith. Stays of appeal must be substantiated factually and in writing by the Director of the Division of Property Standards and submitted to the Law Department within three (3) business days of the filing of the appeal. The entity designated to hear such appeals may review the hearing officer's decision and may affirm or reverse the decision or remand it to the hearing officer for further action or review.

PM 112.18: Suspension or revocation may be for an entire structure, complex of buildings, or any sub-part thereof.

PM 112.19: The City shall be authorized to recover any expenses incurred by the City in suspending or revoking a license under the provisions of this chapter or as authorized by any other applicable federal, state, or local law or ordinance. These expenses may include, but are not limited to, the cost of personnel, equipment and materials. It is not a defense to the payment of these expenses that the City may have otherwise experienced such costs in the ordinary course of business. Recoverable expenses shall also include all costs incurred by the City in responding to and extinguishing a fire at a property, and such expenses shall be chargeable to and collected from the property owner whether or not the fire was directly caused by the owner. The owner shall be responsible only for the costs that are directly attributable to his own neglect and shall be limited only to those cases where written notice was given by the City and the owner subsequently failed to take adequate and timely measures to abate the conditions or conduct which caused the fire.

PM 112.20: If, upon re-inspection, the hearing officer determines that the structure or premises in connection with which the order was issued is now in compliance with this Code and with applicable rules and regulations issued pursuant thereto, he may reinstate the license.

PM 112.21: No tenant shall commit vandalism in the building in which the tenant's dwelling unit is located and no tenant shall permit vandalism to occur in such dwelling unit nor violate any of the provisions of this Code.

Section 202, General Definitions, is amended as follows:

Carbon monoxide alarm: A carbon monoxide detector or alarm that complies with all of the requirements of the rules and regulations of the Illinois State Fire Marshal, bears the label of a nationally recognized testing laboratory, and complies with the standards of the Underwriters Laboratories or the Canadian Standard Association.

Deficiency: The condition of any structure or premises or failure of any party to perform an action provided herein which is of such a minor nature that it will likely not progress into any danger nor be contrary to safe and sanitary exterior maintenance.

Garbage. All accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking and dealing in, or storage of meats, fish, fowl, fruit, vegetable and any other matter, of any nature whatsoever, which is subject to decay, putrefaction, and the generation of noxious and offensive smells or odors, of which, during and after decay, may be a food source for rodents and may serve as breeding or feeding materials for flies and/or other germ carrying insects; bottles, cans, or other food containers which due to their ability to retain water can serve as a breeding place for mosquitoes, or other water breeding insects. It includes rejected household food waste, offal, swill and carrion.

Health authority: The personnel of the division of property standards authorized by ordinance of the city or statutes of the state to enforce the provisions of this code.

Inoperable vehicle. Any motor vehicle from which, for a period of at least seven (7) days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power. "Inoperable motor vehicle" shall not include any motor vehicle that is kept within a completely closed building when not in use.

Junk and trash. Any and all garbage and rubbish.

Property owner: Any person or entity entitled to legal or beneficial ownership of land, occupying land or managing land upon which, or owning land adjoining any dedicated but unimproved street upon which, weeds are located.

Rubbish. Combustible and noncombustible waste materials, except garbage, including, but not limited to, the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, household furniture such as sofas, stuffed chairs and mattresses when found on the

exterior of the property, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust, inoperable and/or abandoned motor vehicles, trucks, tractors, machinery of any kind, any parts thereof, old iceboxes, refrigerators and stoves, and other similar materials irrespective of whether or not such objects are located on public or private property, or whether such objects are located on the property of the owner or bailee of such objects. "Rubbish" shall not include wood that is stacked and stored for fuel.

Weed: All noxious vegetation and all grasses, including giant and common ragweed, poison ivy, and all varieties of Canada thistle, or any other vegetation that creates a health or safety hazard to the public, in the opinion of the health authority. This term shall not include cultivated flowers.

Workmanship: Executed in a skilled manner; e.g. generally plumb, level, square, in line, undamaged, and without marring adjacent work. Siding should be done using consistent colors and materials types in accordance with being executed in a skilled manner.

301.3: Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

Vacant and fire damaged structures which are secured temporarily shall be secured in the following manner:

- (1) Fire damaged structures: Such structures shall have boarding established over all openings. All exterior boards must be completely painted in accordance with this code. The color used for the painting of boards shall be in accordance with the predominant tone of the structure. Further, such boards shall not extend beyond the perimeter of the opening.
- (2) Vacant structures, excluding those used solely for residential: Such structures shall have boarding or wire mesh installed over all openings. If boarded, boarding shall be accomplished in conformance with subsection (1) herein. If wire mesh is utilized, the mesh shall have openings of not greater than one-half (1/2) inch in size. Door openings under the mesh shall be secured by having the doors locked or made inaccessible. Other openings shall have glazing established under the mesh in order to protect the building interior from weather elements.
- (3) Vacant residential structures: Such structures shall have wire mesh installed over all windows. The mesh shall have openings of not greater than one-half (1/2) inch in size. Door openings shall be secured by having the doors locked or made inaccessible or shall be boarded in conformance with subsection (1) herein. Other openings shall have glazing established under the mesh or be boarded and painted in conformance with Section 301.3(1) in order to protect the structure interior from weather elements.

301.3.1, Reoccupancy of vacant residential structures: In the event that a vacant residential structure, or portion thereof, is secured at the order of the city in accordance with Section 301.3 or has an existing violation notice issued against it prior to securing and is secured, the structure or portion thereof shall not be reoccupied until the following actions occur:

- (1) An application for certificate of occupancy is made by the owner with the Division of Building and Permits.
- (2) An inspection is performed by the code official to determine what violations, if any, exist.
- (3) Violations are corrected to be in compliance with code.
- (4) A written certificate of occupancy and compliance is issued by the Division of Building and Permits.

301.4, Parking areas: It shall be unlawful to park any vehicle on any type of surface not approved under the applicable provisions of Section 10 of the Aurora Zoning Ordinance.

Parking on grass or dirt shall be prohibited. Parking on a gravel surface shall be prohibited unless said condition is legal and nonconforming pursuant to Sections 6 and 10 of the Aurora Zoning Ordinance.

302.3, Sidewalks and driveways: All walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. Public sidewalks shall be maintained in accordance with Section 42 of the Aurora Code of Ordinances.

Section PM-302.4, Weeds. Duty of property owner; excluded areas.

- (a) Every property owner is required to cut and destroy all weeds located on land within the jurisdictional limits of the city whenever they exceed a height of eight (8) inches or if, in the opinion of the health authority, destruction of weeds is necessary. Any property owner who does not maintain property as required by this section shall be in violation of this code.
- (b) The health authority may exclude from the provisions of this section any land located in a public nature area or not within two hundred (200) feet of any private residence or place of public use; provided, that such weeds do not otherwise cause a health or safety hazard in the opinion of the health authority.
- (c) The health authority shall exclude those areas located within any property owned or leased by a unit of local government within the jurisdictional limits of the city used for institutional or recreational purposes.

Section PM-302.4.1, Notice to abate.

- (a) Lots with occupied structures. Notice to abate a violation of this section shall be given in writing to the property owner in the manner herein described and shall state a specified period of time for abatement by the property owner. The inspector issuing the notice shall personally serve or deliver a copy to the property owner, mail a copy to the residence of the property owner, or if said residence is unknown, the address of the property where the nuisance exists by proof of mail, or by posting. Service may also be made by posting a sign regarding the violation in a conspicuous place near the main entrance of the premises in violation. The posted sign shall be at least eleven (11) inches in height and eight (8) inches in width and the top thereof in large letters shall state the words, "Grass/Weed Violation--Ordinance Violation". In any event, the text of the notice shall contain a reference to the

provision of this code violated and may contain such other information affecting the nature of the violation as the health authority deems advisable.

(b) Lots with unoccupied structures and vacant lots. The city shall cause to be published in a newspaper of general circulation within the city limits once a week for two (2) consecutive weeks during the month of May of each year a notice informing all such property owners that the growth of weeds on any such lot is contrary to the ordinances of the city. The notice shall further inform the public that should the weeds ever grow to more than eight (8) inches in height, the city may cut the weeds without further notice and the property owner shall be liable to the city for its costs. This notice shall be a display advertisement.

(c) It shall be unlawful for anyone to deface, tamper with, or remove the grass/weed violation ordinance violation sign from the property where it is posted unless authorized by the health authority.

Section PM-302.4.2, Penalties.

(a) After notice has been provided pursuant to Section 302.4.1, the health authority is authorized to cut or destroy such weeds. If the health authority cuts or destroys any weeds as provided in this section, the city shall have a lien for the costs of abatement, including recording fees and offender provisions herein, for an administrative fee in the amount established including, but not limited to, inspections, correspondence, preparation of lien, title searches, and other expenses which may have been incurred by the city regarding such abatement. Offender provisions shall increase in amount each time the city is required to cut or destroy weeds within a growing season (May 1st to November 15th) as follows:

(1) First time offense: Fifty dollars (\$50.00)

(2) Second time offense within same growing season: One hundred fifty dollars (\$150.00)

(3) Third time offense within same growing season: Two hundred fifty dollars (\$250.00)

(4) Fourth time offense within same growing season: Five hundred dollars (\$500.00)

(b) A property owner who fails to cut or destroy weeds, as required in the notice provided in Section 302.4.1, shall be guilty of an offense punishable as provided herein. Each day a violation exists after notice is sent, posted or advertised, shall be a separate offense. In addition to the penalty provided in this section, the city may apply for injunctive relieve to require abatement, in addition to any other remedies available.

302.7.3, Accessory Structures: Metal type fences shall have a top horizontal support structure to ensure that the fence material remains straight, sound and in good repair.

302.8, Motor Vehicles: Except as provided for in other regulations, no inoperative or non-currently registered or unlicensed motor vehicle shall be parked, kept or stored on any residential premises for more than thirty (30) days within any 12 month period, provided not more than one (1) such vehicle is parked, kept or stored on any residential premises at any time. No vehicle shall at any time be in a state

of major disassembly, disrepair or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: Unlicensed vehicles may be parked or stored inside a completed enclosed garage or similar enclosed building designed and approved for such purposes.

Section PM-302.8.1, Violations declared nuisance. The storing of junk and trash on private property within the city, where such storage is not authorized under the terms of the zoning ordinance, and in any manner not permitted by the zoning ordinance, is declared a nuisance.

Section PM-302.8.2, Violations declared criminal upon failure to abate. Any property owner or any occupant of property who allows such storage on the property owned or occupied by him shall be guilty of a misdemeanor; and any person who shall neglect to abate and remove such nuisance after notice thereof shall, for each twenty-four (24) hours thereafter during which the nuisance continues, be guilty of a misdemeanor.

Section PM-302.8.3, Notice to abate.

(a) Lots with occupied structures. Any inspector of the city upon observing any violation of this section shall issue a notice directed to the owner of record of the property on which the nuisance occurs at their last known address, or to the occupant of the property, or to both. The notice shall describe the violation and shall establish a reasonable time limit for the abatement thereof by such owner or occupant, which time shall be not less than two (2) days after service of such notice. In cases of inoperable vehicles, the owner of the vehicle shall also be issued a notice; and all notices in such cases shall provide five (5) days for removal of the inoperable vehicle or notice shall be posted in a conspicuous place on the inoperable vehicle.

(b) Lots with unoccupied structures and vacant lots. The city shall cause to be published in as a display advertisement in a newspaper of general circulation within the city limits once a week for two (2) consecutive weeks during the month of January each year a notice informing all such property owners that the storage of junk and trash on any such lot is contrary to the ordinances of the city. The notice shall further inform the public that should the junk and trash be stored in violation of this code the city may remove same without further notice and the property owner shall be liable to the city for its costs.

Section PM-302.8.4, Complaints by citizens; inspection; issuance of notice. Any citizen of the city who observes a violation of this section may file his complaint with the division of property standards. Such complaints shall be investigated and, if a nuisance exists, notice as provided herein shall be issued.

Section PM-302.8.5, Service, return of notice. The inspector issuing the notice shall serve or deliver a copy to the above-described parties personally, or shall mail a copy to the above-described parties at the last-known mailing address of the owner/occupant or if not known, the address of the property where the nuisance exists, by certified mail, return receipt requested for motor vehicles, and by proof of mail for all other matters. The envelope and the return receipt, if applicable, shall bear the return address of the inspector issuing the notice. Service may also be made by posting a sign regarding the

violation in a conspicuous place near the main entrance of the premises in violation, and for inoperable vehicles service may be posted on the vehicle at a prominent location. For junk and trash, the posted sign shall be at least eleven (11) inches in height and eight (8) inches in width and the top thereof in large letters shall state the words, "Ordinance Violation." The text of the notice shall contain a reference to the provision of this code violated and may contain such other information respecting the nature of the violation as the division of property standards deems advisable. It shall be unlawful for anyone to deface, tamper with, or remove the "Ordinance Violation" sign from the property where it is posted unless authorized by the division of property standards.

Section PM-302.8.6, Investigation to determine compliance with notice. Immediately upon the termination of the time allowed in any notice for the abatement of a nuisance under this article, the person who served such notice, or any inspector who shall be assigned, shall investigate to determine whether or not the nuisance has been abated.

Section PM-302.8.7, Failure to comply with notice. In the event the owner or occupant of the property where such nuisance exists, or vehicle owner, if applicable, has failed within the prescribed time to abate such nuisance, then the inspector may summarily abate such nuisance as provided in Section 302.8.8, may file a request with the city's law department to initiate a complaint with the appropriate circuit court, or initiate an action before the City's Administrative Hearing Officer, charging violation of this article and demanding that the owner of the property or the occupant thereof, or both, and, in cases of inoperable vehicles, the owner of the vehicle, be punished as herein provided. In cases of inoperable vehicles and parts thereof, the police department shall have the authority to remove, after five (5) days from the issuance of the notice as provided in Section 302.8.3, any inoperable motor vehicles or parts thereof.

Section PM-302.8.8, Abatement. At the termination of notice provided by Section 302.8.7, the inspector may abate the nuisance as provided by Section 21-18 of the Aurora Code of Ordinances. The expenses of removal shall be collected from the person or persons. If the expense is not paid, the legal counsel of the jurisdiction shall initiate appropriate action against the person or persons for cost recovery.

Section PM-302.8.9, Summary abatement. Summary abatement of the rubbish nuisance without notice shall be permitted as provided by Section 21-19 of the Aurora Code of Ordinances. The expense of removal shall be collected from the person or persons. If the expense is not paid, the legal counsel of the jurisdiction shall initiate appropriate action against the person or persons for cost recovery.

Section PM-302.8.10, Penalties. Each time the city is required to abate or summarily abate the nuisance as provided herein, the city shall have a lien for the costs of abatement, including recording fees and offender provisions herein, for an administrative fee in the amount established including, but not limited to, inspections, correspondence, preparation of lien, title searches and other expenses which may have been incurred by the city regarding such abatement. Offender provisions shall increase in amount each time the city is required to abate or summarily abate within the calendar year as follows:

(1) First time offense: Fifty dollars (\$50.00)

(2) Second time offense within the same calendar year: One hundred fifty dollars (\$150.00)

(3) Third time offense within the same calendar year: Two hundred fifty dollars (\$250.00)

(4) Fourth time offense within the same calendar year: Five hundred dollars (\$500.00)

302.10, Dead and dying trees: The code official may order the owner of premises upon which are located dead and dying trees or dead and dying tree limbs which are dangerous to life, health, property or the safety of the public, to remove such trees to grade. For all properties except those that are single-family owner-occupied, the tree shall be removed at least one (1) foot below grade with black dirt and seeding required up to grade level. For single-family owner-occupied property, the tree shall be removed to grade.

302.11, Number of parked vehicles: For properties used for single-family and two-family residential purposes, there shall be no more than three (3) vehicles per dwelling unit parked on the premises. Excluded from this allowable number shall be vehicles parked inside of an enclosed building such as a garage. Vehicles belonging to visitors that are parked on the premises for no more than six (6) hours shall be exempt from this standard. In cases where a proper surface is available for the parking of additional vehicles within the side or rear yard on the premises, the code official shall have the authority to authorize the parking of up to two (2) additional vehicles per unit. The parking of additional vehicles may be authorized by the property maintenance code appeals board pursuant to Section 111.

302.12, Front yard driveways and parking: Front yard parking for residential properties shall only be permitted in those locations where it is authorized by sections 10 and 11 of the Aurora Zoning Ordinance. Driveway and driveway extensions shall be permitted as provided therein.

303.14, Insect Screens: During the period from May 1st to October 1st every door, window and other outside opening utilized or required for ventilation purposes serving any structure containing 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 sixteen (16) mesh per inch and every swinging door shall have a self-closing device in good working condition.

303.18, Garage Doors: Principal vehicular doorways for attached and detached garages shall have closing doors. The closing doors shall be established in a workmanlike manner. This requirement shall be enforced retroactively. All carports are excluded from all door requirements (See Building Code for carport and garage definitions).

303.19, Furniture on porches, accessory structures, yards and landings: Household furniture such as sofas, stuffed chairs and mattresses, which are not designed to withstand the elements and outdoor use, shall not be permitted to be placed on porches, accessory structures, yards and landings. Such furniture may provide a location where insects, rodents or other vermin may breed or may reasonably be expected to breed. This section shall not prohibit the storage of such household furniture on a totally enclosed porch having a roof, walls, screens or glass windows.

Section 305.3.2: Containers Required.

(a) General Requirement: Every owner, or his agent, or the occupant of any house, building or apartment in the city wherein persons reside, board or lodge, shall provide for such house, building or apartment and at all times maintain containers for refuse, garbage, trash or rubbish in a number sufficient to store and handle for disposal the accumulation from each such house, building or apartment according to the specifications of this chapter, including disposal of yard waste pursuant to section 20-09 hereof. Such container shall not be located in front yards or side yards, as defined by the zoning ordinance, and, wherever possible, shall be located so it is not visible from public streets, excluding alleys.

(b) Multifamily, Commercial and Industrial Requirements:

(1) Every multifamily residential premises of more than four (4) dwelling units and every commercial or industrial premises shall have at least one (1) sufficiently-covered dumpster-style or other similar garbage container of appropriate capacity located on the property thereof for the use of occupants therein.

(2) For such multifamily residential premises, no such container shall be located nearer than five (5) feet to any building or property line thereof unless physically impossible to otherwise locate such thereon.

(3) For such multifamily residential premises and commercial or industrial premises, each such container which may be partially or totally viewed from the street shall be enclosed on at least three (3) sides by non-deciduous landscaping, an architecturally-compatible structure or wall, or an opaque fence, of height exceeding the container top by at least six (6) inches. Screening shall be accomplished so that the street side is screened. Where there exists a clear and certain physical impracticality therein, such as interference with safe traffic movement or obstruction of building ingress and egress, the enforcement official may automatically waive the screening requirement.

(4) No garbage shall be stored in any such container exceeding the top edges thereof, nor shall garbage be allowed to accumulate around and outside thereof.

(5) All such containers shall be privately emptied at least once per week or more often if necessary for compliance with paragraph (4) of this subsection; occupants of the premises being notified which days of the week collection will occur.

(6) Notice of violation of this subsection shall be given by the appropriate city department, following which citations and other process may be served and other applicable procedures may be initiated as provided by law or ordinance.

(c) Container Specifications.

(1) Each container for garbage shall be constructed of metal, or durable plastic, or an approved equal, and shall have two (2) handles and a tight-fitting cover sufficient to make it watertight, fly-proof, odor-

proof, and prevent entry by rodents or other animals. Such containers shall not exceed thirty-two (32) gallons in capacity nor weigh more than sixty (60) pounds when filled.

(2) Plastic bags of sufficient strength to prevent tearing by animals or by the weight of the contents, and properly tied to make them fly-proof and odor-proof, may also be used. Such bags shall not exceed thirty-two (32) gallons in capacity nor weigh more than sixty (60) pounds when filled. Residents may also use thirteen (13) gallon, preprinted, city approved trash bags for garbage.

(3) Containers suitable for garbage may also be used for the storage of combustible refuse, provided all weight and size limitations set forth in this section are adhered to.

(4) Materials with sharp corners or edges shall not be stored in plastic bags or other containers which can be torn or cut by the contents.

(5) If yard waste is to be collected by municipally contracted services, such waste shall be placed for collection in approved thirty-gallon "Kraft" paper bags. Such bags shall not weigh more than sixty (60) pounds when filled.

Section 602.3, Heat Supply, is deleted in its entirety and replaced by the following:

Section 404.6, Efficiency unit, is amended as follows:

1. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than thirty (30) inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
2. The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.

602.3: Heat required:

(a) It shall be unlawful for any person owning, operating or controlling any rental single-family dwelling, two-family dwelling, apartment house, lodging house, roominghouse, boarding-house or hotel, in which heat is furnished from a heating plant used in common for the purpose of heating the various rooms and apartments therein to fail to furnish heat to such rooms and apartments from September 1 of each year to June 1 of the succeeding year, so that the occupants thereof may secure, without such undue restriction of ventilation as to interfere with proper health and sanitary conditions, minimum temperatures as follows:

8:00 a.m. to 10:30 p.m. . . . 70 degrees F

10:30 p.m. to 6:00 a.m. . . . 64 degrees F

6:00 a.m. to 8:00 a.m. . . . 68 degrees F

averaged throughout the room or apartment. Measurement of temperature readings may be made either in person with a standard Fahrenheit thermometer or by the use of a temperature recorder.

Measurements are to be made no closer than three (3) feet to an outside wall and three (3) feet off the floor.

(b) Written notice of complaints concerning lack of proper heat in such room or apartment shall first be given to such owner, operator or controlling person, by personal service or proof of mail, before a violation of this section shall be deemed to exist. Failure to provide the heat required shall not constitute an offense where it is due to a breakdown of the heating plant, if diligence is used to have such plant repaired; provided, however, that such breakdown is not caused by a violation of any code or ordinance relating to the operation and maintenance of heating plants.

Section 602.4 is deleted in its entirety.

Section 605.2, Receptacles, is amended in its entirety as follows:

PM-605.2, Receptacles: Where there is electric service available to a structure, every habitable room of a dwelling unit, and every guest room, shall contain at least two (2) separate and remote outlets, one (1) of which may be a ceiling or wall type electric light fixture. In a kitchen three (3) separate and remote wall type electric convenience outlets or two (2) such convenience outlets and one (1) ceiling or wall type electric light fixture shall be provided. Every public hall, water closet compartment, bathroom, laundry room or furnace room shall contain at least one (1) electric light fixture. In addition to the electric light fixture in every bathroom and laundry room, there shall be provided at least one electric outlet.

Section 702.2, Aisles, is deleted in its entirety.

702.3, Locked doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the International Building Code.

702.4, Emergency escape openings. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates, or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the International Building Code and such devices shall be releasable or removable from the inside without the use of a key, tool, or force greater than that which is required for normal operation of the escape and rescue opening. Where such bars, grilles, grates, or similar devices are installed in existing buildings, smoke detectors shall be installed in accordance with Section 704.

702.5, Stairways, handrails and guards: Every exterior and interior flight of stairs having more than four (4) risers, and every open portion of a stair, landing or balcony which is more than thirty (30) inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than thirty (30) inches (762 mm) nor more than forty-two (42) inches (1,067 mm) high, measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than thirty (30) inches (762 mm) high above the floor of the landing or balcony.

704.4, Tampering: Anyone tampering or interfering with the effectiveness of a smoke detector shall be in violation of this code.

Section 705. Carbon monoxide alarm detectors.

705.1 Responsibility. It is the responsibility of the owner of a structure to supply and install all required alarms and to test and provide general maintenance for all alarms located in common areas or in areas not exclusively within an occupied dwelling or rooming unit. It is the responsibility of the occupant to test and to provide general maintenance for the alarms within the occupant's dwelling unit or rooming unit. The occupant is responsible for replacement of any required batteries in the carbon monoxide alarms in the occupant's dwelling unit, except that the owner shall ensure that the batteries are in operating condition at the time the occupant takes possession of the dwelling unit.

705.2 Installation and maintenance. Every dwelling or rooming unit shall be equipped with at least one approved carbon monoxide alarm in an operating condition within fifteen (15) feet of every room used for sleeping purposes. The carbon monoxide alarm may be combined with smoke detecting devices provided that the combined unit complies with the respective provisions of state rules and regulations relating to both smoke detecting devices and carbon monoxide alarms and provided that the combined unit emits an alarm in a manner that clearly differentiates the hazard.

Every structure that contains more than one (1) dwelling unit shall contain at least one (1) approved carbon monoxide alarm in operating condition within fifteen (15) feet of every room used for sleeping purposes.

The carbon monoxide alarms required herein may be either battery powered, plug-in with battery back-up, or wired into the structure's AC power line with secondary battery back-up.

705.3 Tampering. Tampering with, removing, destroying, disconnecting, or removing the batteries from any installed carbon monoxide alarm, except in the course of inspection, maintenance, or replacement of the alarm, is a violation of this code.

(Code 1969, §§ 23-32, 26-4; Ord. No. 090-20, §§ 2, 3, 2-20-90; Ord. No. 093-67, § 1, 9-7-93; Ord. No. 095-02, § 1, 1-3-95; Ord. No. 095-05, § 1, 2-7-95; Ord. No. 096-53, §§ 1, 2, 5-14-96; Ord. No. 096-60, §§ 1, 2, 5-28-96; Ord. No. 000-188, § 2, 12-26-00; Ord. No. 000-189, § 2, 12-26-00; Ord. No. 000-190, §§ 1, 2, 12-26-00; Ord. No. 001-16, §§ 1, 2, 2-27-01; Ord. No. 001-43, § 1, 5-8-01; Ord. No. 002-95, § 1, 9-10-02; Ord. No. 003-17, § 1, 2-11-03; Ord. No. 006-09, § 1, 9-12-06; Ord. No. 007-110, Exh. A, 10-23-07; Ord. No. 008-96, § 1, 10-14-08)

Cross references: Fine schedule for violations, § 1-11.

Secs. 12-103--12-110. Reserved.

DIVISION 2. PERMANENT HOUSING CODE COMMITTEE

Sec. 12-111. Created.

There is created a committee which shall be known as the permanent housing code committee, which committee shall be constituted by, and duties and functions performed by, the property maintenance code appeals board established and provided for under subsection 110.0 et seq. of sections 12-101 and 12-102.

(Code 1969, § 23-5; Ord. No. 087-5637, § 1, 3-17-87)

Cross references: Neighborhood services department to provide staffing and liaison for boards, etc., § 2-284.

Sec. 12-112. Duties and functions.

The permanent housing code committee shall have the authority to study and make recommendations to the planning and development committee of the city council regarding the following subjects:

- (1) Proposed amendments to the city's property maintenance code;
- (2) Findings or recommendations regarding the effectiveness of housing code enforcement;
- (3) Other ordinances regarding the maintenance or occupancy of structures for dwelling purposes with the exception of the city building code or other technical codes dealing with construction, both new and old, as opposed to maintenance;
- (4) Any other matter assigned to the committee by the mayor or the planning and development committee.

(Code 1969, § 23-14; Ord. No. 87-5637, § 1, 3-17-87)

Sec. 12-113. Cooperation by city agencies.

Pertinent information in the hands of any department or agency of the city shall be made available to the permanent housing code committee by the department heads on request, and all department heads of the city shall cooperate with the committee in furtherance of its work.

(Code 1969, § 23-15)

Sec. 12-114. Cooperation with local groups and individuals.

The permanent housing code committee shall invite and enlist the cooperation of racial, religious and ethnic groups, community organizations, professional and technical organizations and other groups and individuals in the city in carrying on its work.

(Code 1969, § 23-16)

Secs. 12-115--12-125. Reserved.