

ORDINANCE NO. 2017 - 66

AN ORDINANCE AMENDING SECTION 12-400 ENTITLED "LOCAL AMENDMENTS TO THE PROPERTY MAINTENANCE CODE" OF DIVISION 1 ENTITLED "GENERALLY" OF ARTICLE VIII ENTITLED "PROPERTY MAINTENANCE CODE" OF CHAPTER 12 ENTITLED "BUILDINGS AND CONSTRUCTION" OF THE CODE OF ORDINANCES, VILLAGE OF BROOKFIELD, ILLINOIS

PASSED AND APPROVED BY
THE PRESIDENT AND BOARD OF TRUSTEES
THE 27th DAY OF NOVEMBER 2017

Published in Pamphlet form by
Authority of the Corporate
Authorities of the Village of
Brookfield, Illinois this 27th day
of November 2017.

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AN ORDINANCE AMENDING SECTION 12-400 ENTITLED “LOCAL AMENDMENTS TO THE PROPERTY MAINTENANCE CODE” OF DIVISION 1 ENTITLED “GENERALLY” OF ARTICLE VIII ENTITLED “PROPERTY MAINTENANCE CODE” OF CHAPTER 12 ENTITLED “BUILDINGS AND CONSTRUCTION” OF THE CODE OF ORDINANCES, VILLAGE OF BROOKFIELD, ILLINOIS

WHEREAS, the Village of Brookfield (the “Village”) is authorized by the Illinois Municipal Code, (65 ILCS 5/1-1-1, *et seq.*) to adopt necessary ordinances to protect the health, safety, and general welfare of the citizens of the Village;

WHEREAS, Section 11-30-4 of the Illinois Municipal Code (65 ILCS 5/11-30-4) authorizes the corporate authorities of the Village to prescribe the manner of constructing and maintaining all buildings, structures and their accessories;

WHEREAS, the Village is authorized by Division 3 of the Illinois Municipal Code (65 ILCS 5/1-3-1, *et seq.*) and by the Municipal Adoption of Codes and Records Act (50 ILCS 220/1, *et seq.*) to adopt by reference, as criteria for the issuance of construction, reconstruction, alteration or installation permits, the provisions of any published compilation of rules and regulations which have been prepared by nationally recognized technical trade or service organizations;

WHEREAS, the *International Property Maintenance Code*, 2015 Edition, published by the International Code Council, has been on file in the office of the Village Clerk for a period of thirty (30) days prior to the adoption of this ordinance and was heretofore adopted by reference on December 8, 2014, by the adoption of Ordinance No. 2014-17 entitled *An Ordinance Amending Division 1 entitled “Generally” of Article VIII Entitled “Property Maintenance Code” of Chapter 12 entitled “Buildings” of the Code of Ordinances of the Village Of Brookfield, Cook County, Illinois*; and

WHEREAS, in the opinion of a majority of the corporate authorities of the Village, it is advisable, necessary and in the public interest that the Village amend the criteria for the issuance of construction, reconstruction, alteration or installation permits, the provisions of the *International Property Maintenance Code*, 2015 Edition published by the International Code Council, a nationally recognized technical trade or service organization heretofore adopted by reference.

NOW, THEREFORE, BE IT ORDAINED, by the President and the Board of Trustees of the Village of Brookfield, Cook County, Illinois, as follows:

Section 1: The facts and statements contained in the preambles to this ordinance are found to be true and correct and are hereby adopted as part of this ordinance.

Section 2: Section 12-400 entitled “Deletions” of Division 1 entitled “Generally” of Article VIII entitled “Property Maintenance Code” of Chapter 12 entitled “BUILDINGS AND CONSTRUCTION” of the Code of Ordinances, Village of Brookfield, Illinois, as amended, is hereby retitled “Local Amendments to the Property Maintenance Code” and further amended to read as follows:

Sec. 12-400. - Local Amendments to the Property Maintenance Code.

The International Property Maintenance Code, 2015 Edition, adopted in Section 12-399 of this chapter is hereby amended as follows:

(1)

PART 1 — SCOPE AND APPLICATION

**SECTION 101
GENERAL**

Section 101.1 entitled “Title” is deleted, and the following is substituted:

101.1 Title. These regulations shall be known as the Property Maintenance Code of the Village of Brookfield, hereinafter referred to as the “Property

Maintenance Code” and sometimes referred to in Section 12-399 and this Section 12-400 as “this code.”

(2)

SECTION 102 APPLICABILITY

Section 102.3 entitled “Application of other codes” is deleted, and the following is substituted:

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 *International Building Code, International Energy Conservation Code, International Fire Code or National Fire Protection Association Life Safety Code (most stringent to apply), International Mechanical Code, International Residential Code for One- and Two-Family Dwellings, Chicago Electrical Code, Illinois State Plumbing Code* and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of chapter 62 (Zoning) of the Code of Ordinances, Village of Brookfield, Illinois.

(3) Section 102.7 entitled “Referenced codes and standards” (excluding the Exception and Subsections 102.7.1 and 102.7.2 entitled “Conflicts” and Provisions in referenced codes and standards, respectively) is deleted, and the following is substituted:

102.7 Referenced codes and standards. The codes and standards referenced in the Property Maintenance Code shall be considered part of the requirements of the Property Maintenance Code to the prescribed extent of each such reference. Where differences occur between provisions of the Property Maintenance and referenced codes and standards, the provisions of the Property Maintenance Code shall apply. The International Residential Code for One- and Two-Family Dwellings, 2015 Edition, shall apply for the construction, alteration and repair of buildings for residential purposes.

(4)

PART 2 — ADMINISTRATION AND ENFORCEMENT

SECTION 103 DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

Section 103 (DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION) is deleted, and the following is substituted:

**SECTION 103
DIVISION OF BUILDING AND ZONING**

103.1 Supervisor of Building and Zoning. The Supervisor of Building and Zoning of the division of building and zoning of the department of administration and such assistants to whom the Supervisor of Building and Zoning has delegated authority, shall be the *code official* for purposes of administering and enforcing the provisions of the Property Maintenance Code and making such determinations, interpretations and orders as are necessary therefor and for requiring such plats, plans and other descriptive material as are necessary to judge compliance with the Property Maintenance Code.

103.2 Appointment. The Village Manager shall appoint the *code official*.

103.3 Deputies. When necessary, the Village Manager shall appoint deputy(s) to the *code official*. The deputy code official(s) shall have powers as delegated by the *code official*.

103.4 Liability. The code official, or other employee charged with the enforcement of this code, while acting for the village, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the village attorney or other appointed legal representative of the village until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the village's most recently adopted Fee Schedule.

(5)

**SECTION 106
VIOLATIONS**

Section 106.2 entitled "Notice of violation" is deleted, and the following is substituted:

106.2 Notice of violation. The code official shall serve a notice of violation or order in accordance with Section 107, Article XIII of Chapter 36 of the Code of Ordinances, Village of Brookfield, Illinois, or the Illinois Supreme Court Rules, as applicable.

(6) Section 106.3 entitled "Prosecution of violation" is deleted, and the following is substituted:

106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107, Article XIII of Chapter 36 of the Code of Ordinances, Village of Brookfield, Illinois, or the Illinois Supreme Court Rules, as applicable, shall be subject to a fine as provided in Section 106.4; 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 administrative adjudication proceeding or other proceeding at law 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.

(7) Section 106.4 (Violation penalties) is deleted, and the following is substituted:

106.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to a fine of not less than one hundred dollars (\$100) nor more than seven hundred fifty dollars (\$750) for each offense; and each day that the violation continues shall constitute a separate offense and is subject to a separate fine.

(8)

SECTION 111 MEANS OF APPEAL

Section 111 entitled "MEANS OF APPEAL" is deleted without substitution.

(9)

SECTION 112

STOP WORK ORDER

Section 112.4 entitled "Failure to comply" is deleted, and the following is substituted:

112.4 Failure to comply. Any person who shall continue any work after having been served with a stop-work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a fine of not less than one hundred dollars (\$100) nor more than seven hundred fifty dollars (\$750) for each offense; and each day that the violation continues shall constitute a separate offense and is subject to a separate fine.

(10)

CHAPTER 2 DEFINITIONS

SECTION 201 GENERAL

Section 201.3 entitled "Terms defined in other codes" is deleted, and the following is substituted:

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the *International Building Code*, *International Fire Code*, *International Mechanical Code*, *Illinois State Plumbing Code*, *International Residential Code for One- and Two-Family Residences*, chapter 62 (Zoning) of the *Code of Ordinances, Village of Brookfield, Illinois*, *International Fire Code*, *National Fire Protection Association Life Safety Code*, *Chicago Electrical Code* or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

(11)

SECTION 202 GENERAL DEFINITIONS

Section 202 entitled "GENERAL DEFINITIONS" is amended by deleting the definitions of "BASEMENT, BUILDING, CRAWL SPACE, GARBAGE AND PLUMBING" and substituting the following:

BASEMENT. A portion of any building located partly underground but not having less than half its clear floor-to-ceiling height below the average grade of the adjoining grounds.

BUILDING. Any structure, shelter or enclosure regardless whether used for occupancy or not.

CRAWL SPACE. A portion of a building located partly or wholly underground and having half or more than half of its clear floor-to-ceiling height below grade.

GARBAGE. Any rejected or waste household food, offal, swill or carrion; any accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking and dealing in, or storage of, meats, fish, fowl, fruits or vegetables; any other animal, mineral or vegetation of any nature which is subject to decay, putrefaction and the generation of noxious or offensive gasses or odor, or which during or after decay may serve as breeding or feeding material for flies, germ-carrying insects or pests, except a compost pile authorized per Village regulation or ordinance.

PLUMBING. Gas pipes, gas-burning equipment, water heating equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, dishwashers, lavatories, bathtubs, showers, baths, clothes washing machines, wells, septic tanks, sump pumps, catch basins, drains, vents and any similar supplied fixtures, together with all connections to water, sewer or gas lines.

(12)

CHAPTER 3 GENERAL REQUIREMENTS

SECTION 302 EXTERIOR PROPERTY AREAS

Section 302.4 entitled "Weeds" is deleted, and the following is substituted:

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight (8) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants, and vegetation, other than trees or shrubs; however, the term shall not include cultivated flowers and gardens. No lot or easement within the Village shall have uncontrolled growths of any form of vegetation. No brush, tree, or other growth shall be permitted to obstruct, restrict, or encroach upon any public sidewalk, alley, street, parkway, or any easement.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, he, she or it shall be subject to prosecution in accordance with Section 106.3. Upon failure to comply with the notice of violation, any duly authorized employee of the

Village or contractor hired by the Village shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon; and the costs of such removal shall be paid by the owner or agent responsible for the property.

- (13) Section 302.8 entitled "Motor Vehicles" is hereby amended by adding the following to the end of Section 302.8:

Operable motor vehicles must be parked on an improved surface as defined by Chapter 62 (Zoning) of the Code of Ordinances, Village of Brookfield, Illinois.

- (14) Section 302 entitled "EXTERIOR PROPERTY AREAS" is hereby amended by adding Section 302.10 entitled "Outdoor Storage" thereto:

Section 302.10 Outdoor Storage. The storage of materials, supplies, commodities or property other than vehicles in good running condition, currently licensed by the State and the Village, except where such goods or items are wholly located within a building or structure, shall not be permitted; whereas, the on-site storage of building material for a reasonable time in connection with the construction of any lawfully permitted building or structure anywhere in the Village shall not be considered a violation of this Code. Further, the storage of firewood shall be maintained as follows: All firewood must be neatly stacked and raised off the ground a minimum distance of six (6) inches. Stacks of cut firewood shall not exceed two (2) feet in width and five (5) feet in height. The aggregate length of all firewood stacks shall not exceed twenty (20) feet. Storage shall be arranged and located in the rear yard area only, and in a manner that does not constitute a hazard or nuisance.

- (15)

SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

Section 303.1 entitled "Swimming pools" is deleted, and the following is substituted:

303.1 Swimming pools. Swimming pools, spas, and hot tubs shall be maintained in a clean and sanitary condition, and in good repair.

(16) Section 303.2 entitled "Enclosures" is deleted, and the following is substituted:

303.2 Enclosures. Private swimming pools, hot tubs, and spas over eighteen (18) inches must be maintained in accordance with Division 4

entitled "Swimming Pool Enclosures" of Article IV entitled "Building Code Regulations" of Chapter 12 (Building and Construction) of the Code of Ordinances, Village of Brookfield, Illinois.

(17)

SECTION 304 EXTERIOR STRUCTURE

Section 304.3 entitled "Premises identification" is deleted, and the following is substituted:

304.3 Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. Detached garages shall have approved address numbers placed in a position to be plainly legible and visible from the alley at the rear of the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than four (4) inches (102 mm) in height with a minimum stroke width of one-half (0.5) inch (12.7 mm).

(18) Section 304.14 entitled "Insect Screens" is deleted, and the following is substituted:

304.14 Insect Screens. During the period from the first day of May to the last day of September, every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm); and every screen door used for insect control shall have a self-closing device in good working condition.

(19)

SECTION 305 INTERIOR STRUCTURE

Section 305.1.1 entitled "Unsafe conditions" is deleted, and the following is substituted:

305.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code*:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly *anchored* or are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

(20)

**SECTION 306
COMPONENT SERVICEABILITY**

Section 306.1.1 entitled, "Unsafe conditions" is deleted, and the following is substituted:

306.1.1 Unsafe conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code*:

1. Soils that have been subjected to any of the following conditions:
 - 1.1. Collapse of footing or foundation system;

1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion;

1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;

1.4. Inadequate soil as determined by a geotechnical investigation;

1.5. Where the allowable bearing capacity of the soil is in doubt; or

1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.

2. Concrete that has been subjected to any of the following conditions:

2.1. Deterioration;

2.2. Ultimate deformation;

2.3. Fractures;

2.4. Fissures;

2.5. Spalling;

2.6. Exposed reinforcement; or

2.7. Detached, dislodged or failing connections.

3. Aluminum that has been subjected to any of the following conditions:

3.1. Deterioration;

3.2. Corrosion;

3.3. Elastic deformation;

3.4. Ultimate deformation;

3.5. Stress or strain cracks;

3.6. Joint fatigue; or

3.7. Detached, dislodged or failing connections.

(21)

CHAPTER 5 PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 502 REQUIRED FACILITIES

Section 502.5 entitled, "Public toilet facilities" is deleted, and the following is substituted:

502.5 Public toilet facilities. Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with the Illinois State Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

(22)

SECTION 505 WATER SYSTEM

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

(23)

SECTION 507 STORM DRAINAGE

Section 507 entitled "STORM DRAINAGE" is amended by adding thereto Section 507.2 entitled "Discharge of Sump Pumps" as follows:

507.2 Discharge of Sump Pumps. Sump pumps must discharge to the rear of the property and may not discharge beyond the property lines of the lot on which the pump is installed.

(24)

**CHAPTER 6
MECHANICAL AND ELECTRICAL REQUIREMENTS**

**SECTION 602
HEATING FACILITIES**

Section 602.2 entitled "Residential occupancies" is deleted, and the following is substituted:

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20 degrees Celsius) in all habitable rooms, bathrooms and toilet rooms. Cooking appliances shall not be used, nor shall portable, unvented fuel-burning space heaters be used, as a means to provide required heating.

(25) Section 602.3 entitled "Heat supply" is deleted, and the following is substituted:

602.3 Heat supply. Every owner and operator of any building who rents, leases, or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from the first day of November to the first day of May to maintain a temperature of not less than 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms, bathrooms, and toilet rooms.

(26) Section 602.4 entitled "Occupiable work spaces" is deleted, and the following is substituted:

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from the first day of October to the first day of May to maintain a minimum temperature of 65 degrees Fahrenheit (18 degrees Celsius) during the period the spaces are occupied.

Exceptions:

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

(27)

**CHAPTER 8
REFERENCED STANDARDS**

Chapter 8 entitled "REFERENCED STANDARDS" is deleted, and the following is substituted:

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 102.7.

ASME American Society of Mechanical Engineers
Three Park Avenue
New York, NY 10016-5990

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
ASME A17.1/CSA B44	2013 Safety Code for Elevators and Escalators	606.1

ASTM ASTM International
100 Barr Harbor Drive
West Conshohocken, PA 19428-2959

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
F1346—91(2010)	Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs	303.2

Brookfield Village of Brookfield, Illinois
8820 Brookfield Avenue
Brookfield, Illinois 60513

<u>Standard reference number</u>	<u>Title</u>	<u>Referenced in code section number</u>
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Code of Ordinances Village of Brookfield, Illinois	102.3, 106.2, 106.3, 201.3, 302.8, 303.2
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Chicago

City of Chicago, Illinois
121 North LaSalle Street
Chicago, IL 60602

Standard reference number	Title	Referenced in code section number
12—259	Chicago Electrical Code	102.3, 201.3

Illinois

Illinois Department of Public Health
525-535 West Jefferson Street
Springfield, Illinois 62761-0001

Standard reference number	Title	Referenced in code section number
77 Ill. Adm. Code 890	Illinois State Plumbing Code	102.3, 201.3

ICC

International Code Council
500 New Jersey Avenue, NW
6th Floor
Washington, DC 20001

Standard reference number	Title	Referenced in code section number
IBC—15	International Building Code®	102.3, 201.3, 401.3, 702.3
IFC—15	International Fire Code®	201.3, 604.3.1.1, 604.3.2.1, 702.1, 702.2, 704.1, 704.2
IMC—15	International Mechanical Code®	102.3, 201.3
IRC—15	International Residential Code®	201.3

NFPA

National Fire Protection Association
1 Batterymarch Park
Quincy, MA 02269

Standard reference number	Title	Referenced in code section number
25—14	Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems	704.1.1
70—14	National Electrical Code	102.3, 201.3, 604.2
101	Life Safety Code	102.3, 201.3

Section 3: If any section, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or the application thereof held invalid, the validity of the remainder of this ordinance and the application of such provisions to other persons and circumstances shall not be affected thereby.

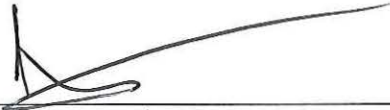
Section 6: All ordinances in conflict with the provisions of this ordinance are to the extent of such conflict repealed.

Section 7: This ordinance shall be in full force and effect from and after ten (10) days following its passage, approval and publication in pamphlet form as provided by law.

ADOPTED this 27th day of November 2017, pursuant to a roll call vote as follows:

Ayes: Trustees Cote, Garvey, Gilhooley,
LeClere and Ryan
Nays: None
Absent: Trustee Evans
Abstain: None

APPROVED by me this 27th day of November 2017.



Kit P. Ketchmark, President of the
Village of Brookfield, Cook County, Illinois

ATTESTED and filed in my office
and published in pamphlet form
this 27th day of November 2017.



Brigid Weber, Clerk of the
Village of Brookfield, Cook County, Illinois

THERESA M. COADY
DEPUTY CLERK