

**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 16-13**

**AN ORDINANCE AMENDING TITLE 9 OF  
THE MUNICIPAL CODE OF THE CITY OF BATAVIA FOR PROPERTY  
MAINTENANCE REGULATIONS FOR EXISTING STRUCTURES**

**ADOPTED BY THE  
MAYOR AND CITY COUNCIL  
THIS 7<sup>TH</sup> DAY OF MARCH, 2016**

Published in pamphlet form  
by authority of the Mayor  
and City Council of the City of Batavia,  
Kane & DuPage Counties, Illinois,  
This 8<sup>th</sup> day of March, 2016

Prepared by:  
City of Batavia  
100 N. Island Ave.  
Batavia, IL 60510

**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 16-13**

**AN ORDINANCE AMENDING TITLE 9 OF  
THE MUNICIPAL CODE OF THE CITY OF BATAVIA FOR PROPERTY  
MAINTENANCE REGULATIONS FOR EXISTING STRUCTURES**

**WHEREAS**, The International Property Maintenance Code, 2015 Edition establishes minimum standards governing all matters concerning the maintenance, and control of all existing property, buildings and structures; and

**WHEREAS**, adoption of the International Property Maintenance Code would be in the best interest of the City of Batavia as well as the health and safety of its citizens;

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Batavia, Kane and DuPage Counties, Illinois, as follows:

**SECTION 1:** That Title 9, Chapter 12 of the Batavia Municipal Code shall be deleted in its entirety, and replace with the text as attached in Exhibit A:

**SECTION 2:** The revisions hereinabove set forth shall become effective on April 10, 2016.

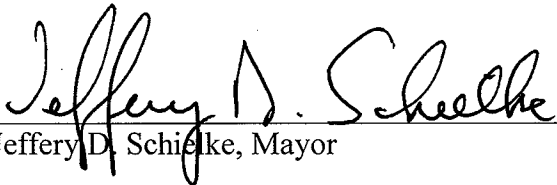
**SECTION 3:** This Ordinance 16-13 shall be in full force and effect upon its presentation, passage and publication according to law.

CITY OF BATAVIA, ILLINOIS ORDINANCE 16-13

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**PRESENTED** to and **PASSED** by the City Council of the City of Batavia, Illinois, this 7<sup>th</sup> day of March, 2016.

**APPROVED** by me as Mayor of said City of Batavia, Illinois, this 7th day of March, 2016.

  
 \_\_\_\_\_  
 Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien	x				Fischer	x			
2	Callahan	x				Wolff	x			
3	Hohmann	x				Chanzit	x			
4	Mueller	x				Stark	x			
5	Botterman	x				Atac	x			
6	Cerone	x				Russotto	x			
7	McFadden	x				Brown	x			
Mayor Schielke										
VOTE:		14 Ayes	0 Nays	0 Absent	Abstention(s) counted as _____					
Total holding office: Mayor and 14 aldermen										

ATTEST:

  
 \_\_\_\_\_  
 Heidi Wetzel, City Clerk

## Chapter 12 PROPERTY MAINTENANCE

**9-12-1: SCOPE OF REGULATIONS:**

**9-12-2: PERMITS AND GENERAL REQUIREMENTS:**

**9-12-3: PROPERTY MAINTENANCE CODE ADOPTION:**

**9-12-4: SPECIFIC AMENDMENTS TO THE CODE:**

**9-12-1: SCOPE OF REGULATIONS:**

The provisions of this chapter shall be applicable to all property, buildings, and structures within the city of Batavia.

**9-12-2: PERMITS AND GENERAL REQUIREMENTS:**

See Chapter 1 of this title.

**9-12-3: PROPERTY MAINTENANCE CODE ADOPTION:**

The provisions of the 2015 edition of the International Property Maintenance code published by the International Code Council, 4051 Flossmoor Road, Country Club Hills, IL 60478, not less than three (3) copies of which have been and now are on file in the office of the city clerk of the city of Batavia, Illinois, are hereby adopted together with the special regulations listed herein modifying said International Property Maintenance code as the regulations governing maintenance and control of all property, buildings, and structures in the City of Batavia, Kane County, Illinois.

**9-12-4: SPECIFIC AMENDMENTS TO THE CODE:**

The International Property Maintenance code, as herein above adopted by reference, is specifically amended as follows:

**CHAPTER 1  
ADMINISTRATION CITY OF BATAVIA**

**Section 101.1 Title:** Revise to read as follows:

**101.1 Title.** These regulations shall be known as the Property Maintenance Code of the City of Batavia, hereinafter referred to as "this code."

**Section 102.3 Application of Other Codes:** Revise to read as follows:

**102.3 Application of Other Codes.** Repairs, additions, or alterations to a structure, or changes of occupancy shall be done in accordance with title 9 of the Batavia Municipal Code.

**Section 102.3.1 Plumbing Code:** Add a new section to read as follows:

**102.3.1 Plumbing Code.** All references to the International Plumbing Code shall be deemed to mean the Illinois Plumbing Code as adopted in section 9-6-3 of the Batavia Municipal Code.

**Section 102.3.2 Electrical Code:** Add a new section to read as follows:

**102.3.2 Electric Code.** All references to the ICC Electrical Code shall be deemed to mean the National

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Electric Code as adopted in section 9-5-3 of the Batavia Municipal Code.

**Section 102.3.3 Mechanical Code:** Add a new section to read as follows:

**102.3.3 Mechanical Code.** All references to the ICC Mechanical Code shall be deemed to mean the Mechanical Code of the City of Batavia as adopted in section 9-14-3 of the Batavia Municipal Code.

**Section 102.3.4 Fire Code:** Add a new section to read as follows:

**102.3.4 Fire Code.** All references to the ICC Fire Code shall be deemed to mean the International Fire Code as adopted in section 9-11-1 of the Batavia Municipal Code.

**Section 102.3.5 Fuel Gas Code:** Add a new section to read as follows:

**102.3.5 Fuel Gas Code.** All references to the ICC Fuel Gas code shall be deemed to mean the International Fuel Gas Code as adopted in section 9-15-3 of the Batavia Municipal Code.

**Section 102.3.6 Energy Code:** Add a new section to read as follows:

**102.3.6 Energy Code.** All references to the ICC Energy Code shall be deemed to mean the Energy Conservation Code as adopted in section 9-16-4 of the Batavia Municipal Code.

**Section 102.6 Historic Buildings.** Delete in its entirety

**Section 102.7 Exception:** Revise to read as follows:

**Section 102.7 Exception.** Where enforcement of the code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer's instructions shall apply.

**Section 103.1 General:** Revise to read as follows:

**103.1 General.** There is a Building and Inspection Department for the city, created under section 1-8C of the Batavia Municipal Code. The Community Development Director, Building and Inspection Commissioner, Building Inspector, and the Planning and Zoning Officer and Code Compliance Officer designated under title 10 of the Batavia Municipal Code shall collectively be known as the "Code Official" as herein used.

**103.5 Fees:** Delete in its entirety

**Section 106.4 Violation Penalties:** Revise to read as follows:

**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 guilty of an offense punishable as follows:

- (1)The fine for the first violation shall be one hundred (100) dollars.
- (2)The fine for the second violation shall be two hundred and fifty (250) dollars.
- (3)The fine for the third violation shall be five hundred (500) dollars.
- (4)The fine for the fourth and all subsequent violations shall be seven hundred and fifty (750) dollars.

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Unless the fine for violation is listed in the Batavia Municipal Code, the above fine structure shall be used. Should the provisions of any referenced material be in conflict with the referenced material of any other, the more stringent requirements shall be applicable. Each day that a violation continues after due notice has been served shall be deemed a separate and distinct offense.

**Section 107.2 Form:** Delete item number 6.

**Section 108.2.1.1 Boarding Standard:** Add a new section to read as follows:

**108.2.1.1 Boarding Standard.** When the Building Official causes a premises to be closed or secured, it is intended to be a temporary safeguard preventing access to the premises or structure of from being a nuisance. All doors, windows, or openings shall be covered with solid materials that are fastened or connected to prevent free access to the structure by persons and shall be painted to correspond to the color of the existing structure. To consider the structure or premises closed, secure, and not readily accessible, all openings shall be boarded or secured in an approved manner.

**Section 110.1 General:** Revise to read as follows:

**110.1 General.** The City may demolish, repair, or enclose, or cause the demolition, repair, or enclosure of dangerous and unsafe buildings or uncompleted and abandoned buildings within the territory of the city and further recover its costs in connection therewith pursuant to the provisions of applicable Illinois State Statute. (65 ILCS 5/11-31-1, et. seq.)

**Sections 110.2, 110.3, 110.4 Demolition:** Delete these sections.

**Section 111 Means of Appeals:** Revise to read as follows:

**Section 111 Means Of Appeal.**

1. Any person aggrieved by a decision of the Code Official may appeal said decision. Application for appeal may be made when the party asserts that the intent of the code has been met by the party's submitted plans or construction or that the code has been incorrectly interpreted or that substitute construction and protective assemblies and systems will provide as good as or better structure or building when completed. Any appeal shall be in writing as set forth below.
2. The Committee of the City Council as designated by the City Administrator from time to time shall receive and review any written application for appeal of any such decision of the Code Official. Such appeal must be filed with the Code Official within ten (10) days of the Code Official's written decision.
3. Within forty-five (45) days of the date of filing the written appeal, the designated Committee shall meet in public session and take evidence from the party filing the appeal and the Code Official with respect to the subject of the appeal.
4. At the conclusion of the taking of the evidence, the Committee shall make written findings of fact together with its recommendation and forward same to the full Batavia City Council.
5. The final decision as to whether the appeal shall be granted shall be made by the City Council. In making this decision, the City Council shall review only the record of the evidence taken by the designated Committee, which shall include the Committee's findings of fact and recommendation. No further evidence may be presented to the City Council. The granting of an appeal not constituting a variation to the Batavia Municipal Code shall be accomplished by a majority vote upon an appropriate motion. Any variation to the Batavia Municipal Code shall be by duly adopted ordinance.

**Section 112.4 Failure to Comply: Revised to read as follows**

**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 liable to a fine of not less than fifty dollars or more than seven hundred and fifty dollars.

**Chapter 2**

**General Definitions: Revised to read as follows:**

**Section 202 General Definitions:**

**INFESTATION.** The presence, within or contiguous to a structure or premises, of insects, including cockroaches, bedbugs and termites; pest rodents including rats and mice; vermin; or other pests. Visible pest residue or debris constitutes an infestation unless there is clear evidence that the pest is no longer present.

**CHAPTER 3**

**Section 302.1 Sanitation: Revised to read as follows**

**302.1 Sanitation.** All exterior property and premises shall be maintained clean, safe, sanitary and free from any accumulation of rubbish or garbage. Rubbish and /or garbage shall not be allowed to accumulate on the property and, unless it can be properly disposed of, all rubbish/garbage must be contained so as not to be scattered by winds or marauding animals.

**Section 302.4 Weeds: Revise to read as follows:**

**302.4 Weeds.** The control of weeds shall be regulated by section 4-4-2 of the Batavia Municipal Code.

**Section 302.8 Motor Vehicles: Revise to read as follows:**

**302.8 Motor Vehicles.** The control of motor vehicles shall be regulated by section 4-4-1 of the Batavia Municipal Code.

**Section 302.9 Defacement of Property: Revise to read as follows:**

**302.9 Defacement of Property.** No person shall willfully or wantonly damage, mutilate, or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving, or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair immediately upon defacement.

**Section 303.2 Enclosures: Revise to read as follows:**

**303.2 Enclosures.** Private swimming pools, hot tubs, and spas containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching and open outward away from the pool. The gate and barrier shall have no opening greater than  $\frac{1}{2}$  inch within eighteen (18) inches of the release mechanism. Openings in the fence or barrier shall not allow a passage of a four (4) inch sphere at any location, or a two (2) inch sphere at the bottom. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate at least three (3) inches below the top of the gate.

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Self closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced, or changed in a manner that reduces its effectiveness as a safety barrier.

**Section 304.6 Exterior Walls:** Revise to add the following:

304.6 Exterior Walls. Exterior walls shall be free from holes, breaks, loose or rotting materials, broken or missing mortar and bricks, and shall be maintained by brick replacement, masonry repair, pointing, repointing, and tuck pointing to maintain surface integrity and weatherproofing.

**Section 304.7 Roofs and drainage:** Revise to read as follows;

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

**Section 304.14 Insect Screens:** Revise to read as follows:

**304.14 Insect Screens.** 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.

**Section 304.14 Insect Screens:** Delete the exception.

**Section 305.3 Interior Surfaces:** Revise to read as follows:

**Section 305.3 Interior surfaces,** including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected. Surfaces shall have not signs of chronic or persistent excessive moisture. Materials discolored or deteriorated by water damage shall be cleaned, dried or otherwise repaired and the underlying cause shall be corrected.

**Section 307.1 General:** Revise to read as follows:

**307.1 General.** Every exterior and interior flight of stairs having more than three risers shall have a handrail on one side of the stair, continuous the full length of the stairs. Ends shall return, or terminate in a newel post or safety terminals. Every open portion of a stair, landing, balcony, porch, deck, ramp, or other walking surface, which is more than 30 inches (762 mm) above the floor or grade below, shall have guards. Handrails shall not be less than 34 inches high or more than 38 inches 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 36 inches high above the floor of the landing, balcony, porch, deck, ramp, or other walking surface.

**Section 308.2 Disposal of rubbish.** Revise to read as follows:

**308.2 Disposal of rubbish and garbage.** Every occupant of a structure shall dispose of all rubbish and garbage in a clean and sanitary manner by placing such rubbish and garbage in approved containers. The owner/occupant of the premises shall be responsible for the removal of the rubbish and garbage.



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**Section 308.2 .1 Rubbish storage facilities.** Revise to read as follows:

**Section 308.2.1 Rubbish and storage facilities.** The owner/operator of every occupied premises shall supply, and at all times cause to be utilized, approved leak proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal and shall be responsible for the removal of the rubbish and garbage.

**Section 309.1 Infestation:** Revise to read as follows:

**309.1 Infestation.** All premises and structures shall be kept free from insect and rodent infestation and harborages. All premises and structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation. It shall be the owner's responsibility to abate all infestations or harborages by extermination.

**Section 309.4 Multiple Occupancy:** Revise to read as follows:

**Section 309.4 Multifamily Occupancy.** The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for pest elimination. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for pest elimination.

## **CHAPTER 6 MECHANICAL AND ELECTRICAL REQUIREMENTS**

**Section 602.2 Residential Occupancies:** Revise to read as follows:

**602.2 Residential Occupancies.** Dwellings shall be provided with heating facilities capable of maintaining a minimum room temperature of 68 degrees Fahrenheit in all habitable rooms, bathrooms, and toilet rooms based on the winter design temperature indicated in table 301.2(1) of the International Residential Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

**Section 602.3 Heat Supply:** Revise to read as follows:

**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 October 15 to May 15 to maintain a temperature of not less than 68 degrees Fahrenheit in all habitable rooms, bathrooms, and toilet rooms.

**Section 602.3 Exception 1:** Revise to read as follows:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in table 301.2 (1) of the International Residential Code.

**Section 602.4 Occupiable Workspaces:** Revise to read as follows:

**602.4 Occupiable Workspaces.** Indoor occupiable workspaces shall be supplied with heat during the period from October 15 to May 15 to maintain a temperature of not less than 65 degrees Fahrenheit during the period the spaces are occupied.

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**Section 602.6 When Failure To Furnish Heat Is Not An Offense:** Add a new section to read as follows:

**602.6 When Failure To Furnish Heat Is Not An Offense.** Failure to furnish the heat required by this section 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, or where it is due to a strike, to a general shortage of fuel, to any act of the tenant who makes the complaint, or to any cause beyond the owner's control; or unless notice of such failure to furnish the heat required shall first have been given to the owner or agent of the building.