

**THE VILLAGE OF FLANAGAN
LIVINGSTON COUNTY, ILLINOIS**

ORDINANCE NO. 2016-10

**AN ORDINANCE TO ADOPT BY REFERENCE THE INTERNATIONAL
BUILDING CODE OF 2009, THE INTERNATIONAL RESIDENTIAL CODE FOR
ONE- AND TWO-FAMILY DWELLINGS, AND THE INTERNATIONAL
PROPERTY MAINTENANCE CODE OF 2009 AND FURTHER AMENDING
CERTAIN PROVISIONS OF EACH OF THESE CODES**

ADOPTED BY
THE PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF FLANAGAN

This 20th day of December, 2016

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ORDINANCE NO. 2016-10**

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MAINTENANCE CODE OF 2009 AND FURTHER AMENDING CERTAIN
PROVISIONS OF EACH OF THESE CODES**

WHEREAS, the corporate authorities of the Village of Flanagan, Livingston County, Illinois, may, pursuant to Article 11, Divisions 30 to 39 of the Illinois Municipal Code (65 ILCS 5/1-1-1, et seq.), regulate and control the construction, alteration and maintenance of buildings and structures, parts thereof and systems therein; and

WHEREAS, the corporate authorities may, pursuant to Sections 1-2-3.1, 1-2-4 and 1-3-2 of the Illinois Municipal Code (65 ILCS 5/1-1-1, et seq.), approve, by reference, rules and regulations that have been previously printed in book or pamphlet form and that govern buildings, structures and parts thereof, without further printing or publication, so long as a copy of the rules and regulations to be adopted is filed in the office of the Clerk of the municipality for use and examination by the public at least 30 days prior to the adoption and effective date, and so long as the municipality provides certain identifying information regarding the rules and regulations to the Illinois Building Commission at least 30 days prior to the adoption and effective date; and

WHEREAS, the Illinois Municipal Code, Section 11-60-2, provides the corporate authorities of each municipality may define, prevent, and abate nuisances; and

WHEREAS, the International Building Code of 2009 provides rules and regulations governing the construction, alteration and maintenance of buildings, structures and appurtenances thereto, with the exception of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three (3) stories high with separate means of egress; and

WHEREAS, the International Building Code of 2009 is published in book form by the International Code Council, and is commonly adopted and used by municipalities by reference as the municipal building code; and

WHEREAS, the International Property Maintenance Code of 2009 provides rules and regulations governing the maintenance of existing residential and non-residential buildings, structures and parts thereof; and

WHEREAS, the International Property Maintenance Code of 2009 is published in book form by the International Code Council and is commonly adopted and used by municipalities to govern the maintenance of existing buildings, structures and parts thereof; and

WHEREAS, the International Residential Code for One- and Two-Family Dwellings of 2009 provides rules and regulations governing the construction, alteration and maintenance of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three (3) stories high with separate means of egress, and their accessory structures; and

WHEREAS, the International Residential Code for One- and Two-Family Dwellings of 2009 is published in book form by the International Code Council and is commonly adopted and used by municipalities by reference as the municipal residential building code to govern one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three (3) stories high with separate means of egress, and their accessory structures; and

WHEREAS, the corporate authorities of the Village of Flanagan have considered the rules and regulations governing buildings and structures as provided for in the International Building Code of 2009, the International Residential Code for One and Two-Family Dwellings of 2009 and the International Property Maintenance Code of 2009, have compared such rules and regulations to any existing Village Code provisions governing buildings and structures; and deem it to be in the best interest of the Village to adopt these codes to replace any existing Village Code provisions governing buildings and structures; and

WHEREAS, the corporate authorities of the Village of Flanagan have complied with all identification and publication requirements mandatory when adopting or amending such code provisions, including notification to the Capitol Development Board and having copies of said Codes on file for inspection at the Village for at least 30 days prior to adoption of this Ordinance.

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

Section A. Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

Section B. Adoption of International Building Code of 2009. The International Building Code of 2009, together with any supplements and any amendments thereto, as published by the International Code Council, is hereby adopted in its entirety by reference, as though fully set forth herein. A copy of this code shall remain on file at the office of the Clerk of Village of Flanagan for public review and inspection.

Section C. Amendments to International Building Code of 2009. The International Building Code of 2009, as adopted and incorporated by reference into the Village Ordinance, shall be amended to reflect the following revisions:

1. 101.1 Title. Insert "The Village of Flanagan, Illinois" in the space designated [NAME OF JURISDICTION].

2. 114.4 Violation penalties. Amend this provision to state: "Any person who violates a provision of this code or fails to comply with any of the requirements therefore or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directives of the building officials, or of a permit or certificate issued under the provisions of this code, shall be subject to the Village of Flanagan's Ordinance Establishing Fines and Penalties for Violating the Ordinances and Codes of the Village of Flanagan and Setting Forth Procedures for Issuing Citations.
3. 3412.2 Applicability. Replace [DATE TO BE INSERTED BY THE JURISDICTION. NOTE IT IS RECOMMENDED THAT THIS DATE COINCIDE WITH THE EFFECTIVE DATE OF BUILDING CODES WITHIN THE JURISDICTION] with the date this code took effect.

Section D. Adoption of International Residential Code for One- and Two-Family Dwellings of 2009. The International Building Code of 2009, together with any supplements and any amendments thereto, as published by the International Code Council, is hereby adopted in its entirety by reference, as though fully set forth herein. A copy of this code shall remain on file at the office of the Clerk of Village of Flanagan for public review and inspection.

Section E. Amendments to International Residential Code for One- and Two-Family Dwellings of 2009. The International Building Code of 2009, as adopted and incorporated by reference into the Village Ordinance, shall be amended to reflect the following revisions:

1. R101.1 Title. Insert "The Village of Flanagan, Illinois" in the space designated [NAME OF JURISDICTION].
2. R113.4 Violation penalties. Amend this provision to state: "Any person who violates a provision of this code or fails to comply with any of the requirements therefore or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directives of the building officials, or of a permit or certificate issued under the provisions of this code, shall be subject to the Village of Flanagan's Ordinance Establishing Fines and Penalties for Violating the Ordinances and Codes of the Village of Flanagan and Setting Forth Procedures for Issuing Citations.

Section F. Adoption of International Property Maintenance Code of 2009. The International Property Maintenance Code of 2009, together with any supplements and any amendments thereto, as published by the International Code Council, is hereby adopted in its entirety by reference, as though fully set forth herein. A copy of this code shall remain on file at the office of the Clerk of Village of Flanagan for public review and inspection.

Section G. Amendments to International Property Maintenance Code of 2009.

The International Property Maintenance Code of 2009, as adopted and incorporated by reference into the Village Ordinance, shall be amended to reflect the following revisions:

1. 101.1 Title. Insert "The Village of Flanagan, Illinois" in the space designated [NAME OF JURISDICTION]
2. 103.1 General. Amend this provision to state: The department of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the building official and sometimes referred to herein as the code official.
3. 103.5 Fees. Amend this provision to state: The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as determined from time-to-time and adopted by resolution or ordinance of the Board of Trustees of the Village.
4. 106.4 Violation penalties. Amend this provision to state: "Any person who violates a provision of this code or fails to comply with any of the requirements thereof shall be prosecuted within the limits provided by state and local law and shall be subject, in addition to any other penalties or remedies provided under this code, to the penalties set forth in the Village of Flanagan's Ordinance Establishing Fines and Penalties for Violating the Ordinances and Codes of the Village of Flanagan and Setting Forth Procedures for Issuing Citations. Each day a violation continues shall be deemed a separate offense.
5. 106.4 Add. Court costs and legal fees. In the event of noncompliance with this code necessitates litigation, any person who violates a provision of this code shall be liable for court costs and reasonable attorney's fees incurred by the Village during the litigation.
6. 107.1 Notice to person responsible. Amend this provision to state "Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be provided as required in the Village's Ordinance Establishing Fines and Penalties for Violating the Ordinances and Codes of the Village of Flanagan and Setting Forth Procedures for Issuing Citations."
7. 107.2 Form. Amend this provision to state "The form of a notice of violation shall be provided as required in the Village's Ordinance Establishing Fines and Penalties for Violating the Ordinances and Codes of the Village of Flanagan and Setting Forth Procedures for Issuing Citations."
8. 107.3 Method of Service. Amend this provision to state "Service of any notice shall be provided as required in the Village's Ordinance Establishing Fines and

Penalties for Violating the Ordinances and Codes of the Village of Flanagan and Setting Forth Procedures for Issuing Citations."

9. 112.4 Failure to comply. Amend this provision to state: 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 \$100.00 or more than \$10,000.00 that can be assessed on a per day basis that the violations continue after the date of the notice at the rate of \$50 per day.
10. 302.1 Sanitation. Amend this provision to state: All exterior property and premises, including yards, shall be maintained in a clean, safe and sanitary condition and shall be kept free from rubbish and garbage. The occupant shall keep that part of the exterior property which such occupant occupies or controls, including the yard, in clean and sanitary condition and free from rubbish and garbage except as provided in Section 308.2 and 308.3.
11. 302.4 Weeds. Insert 8 inches in place of (jurisdiction to insert height in inches).
12. 602.3 Heat supply. Insert November to April as dates to maintain a temperature of not less than 68 degrees Fahrenheit in all habitable rooms, bathrooms and toilet rooms.
13. 602.4 Occupiable work spaces. Insert November to April as dates to maintain a temperature of not less than 65 degrees Fahrenheit during the period the spaces are occupied.

Section H. Enforcement Process. In enforcing this ordinance the Village will follow this procedure:

1. For buildings and structures:
 - a. When code official determines a violation has occurred or has grounds to believe so, notice is to be sent pursuant to Ordinance 2016-10 to the property owner/occupant.
 - b. The code official gives notice of violation in writing including:
 - i. Description of real estate
 - ii. State the nature of the violation(s) and ordinance violated
 - iii. The potential penalties – fines, costs, fees

- iv. Advise of opportunity to settle/resolve matter by paying minimum fine within fourteen (14) calendar days of the date of citation or notice
- v. Attach a corrective order allowing “reasonable time” to make repairs/improvements to bring property into compliance citing applicable code provisions
- vi. These notices are properly served by:
 - 1. Personal delivery, or
 - 2. Mail by certified mail or first class mail to last known address, or
 - 3. If notice is returned showing the letter was not delivered place copy in conspicuous place in or about the owner’s premises
- vii. If there is no payment within fourteen (14) calendar days of citation or notice the matter will be referred to the Village attorney
- viii. A default in such payment tender shall be forwarded to the Village attorney

2. For all other ordinance violations:

- a. Determine nuisance exists.
- b. Make a record of the nuisance by taking photos and preparing documentation including dates.
- c. Prepare notice and have it served.
- d. Re-inspect after seven (7) calendar days from the date notice was served.
- e. Make record of re-inspection by taking photos and preparing documentation including dates.
- f. Obtain proof of service of notice.
- g. If there is no compliance, the Village may abate nuisance and document the costs thereof.
- h. Send itemization of costs with demand for payment to property owner. Advise that non-payment of these costs within sixty (60) calendar days will result in the Village filing a lien on the property and possible legal action to foreclose on the lien.
- i. Sixty (60) calendar days after abatement if there is no payment for the costs to the Village to abate nuisance, the Village may record a lien.

- j. If the lien not satisfied, after a period of time left to the Board, legal action may be authorized to foreclose on the lien.

Section I. Attorney's Fees and Costs. The owner or occupant of a non-compliant property shall be responsible for all reasonable attorney's fees and all costs incurred by the Village in enforcing this Ordinance.

Section J. Severability. In the event a court of competent jurisdiction finds this ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this ordinance and the application thereof to the greatest extent permitted by law.

Section K. Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the Village of Flanagan prior to the effective date of this ordinance.

Section L. Effectiveness. After its passage, this Ordinance shall be effective and commence 10 days after this Ordinance is printed in book or pamphlet form and published by the authority of the corporate authorities.

PRESENTED to the Board of Trustees of the Village of Flanagan, Livingston County, Illinois this 20th day of December, 2016.

PASSED by the Board of Trustees of the Village of Flanagan, Livingston County, Illinois, this 20th day of December, 2016.

SIGNED by the President of the Board of Trustees of the Village of Flanagan, Livingston County, Illinois, this 20th day of December, 2016.

AYES: _____

NAYES: _____

ABSENT: _____

IL (SEAL)

ATTEST:

Jason Montello
President, Board of Trustees
Village of Flanagan

Kristy Dodge, Village Clerk
Village of Flanagan