

CITY OF COLUMBIA, ILLINOIS

ORDINANCE NO. 2381

**AN ORDINANCE TO REPEAL THE RENTAL PROPERTY
MAINTENANCE CODE OF THE CITY OF COLUMBIA,
ILLINOIS AND TO ENACT A RESIDENTIAL PROPERTY
MAINTENANCE CODE FOR SAID CITY WHICH WILL
APPLY TO ALL DWELLINGS IN THE CITY**

**Adopted by the
City Council
of the
City of Columbia, Illinois
this 18th day of July, 2005**

**Published in pamphlet form by
authority of the City Council
of the City of Columbia,
Illinois, this 19th day
of July, 2005.**

ORDINANCE NO. 2381

JUL 18 2005

AN ORDINANCE TO REPEAL THE RENTAL PROPERTY MAINTENANCE CODE OF THE CITY OF COLUMBIA, ILLINOIS AND TO ENACT A RESIDENTIAL PROPERTY MAINTENANCE CODE FOR SAID CITY WHICH WILL APPLY TO ALL DWELLINGS IN THE CITY


City Clerk

WHEREAS, the City Council of the City of Columbia, Illinois (the "City"), has found and determined and does hereby declare that there now exists and / or may exist in the City in the future structures used for residential use and occupancy which are, or may become in the future, substandard with respect to structure, equipment or maintenance, and that such conditions include but are not limited to structural deterioration, lack of maintenance and appearance of exterior of premises, infestation, lack of essential heating, plumbing, storage or refrigeration equipment, lack of maintenance or upkeep of essential utilities and facilities, existence of fire hazards, inadequate provision for light and air, unsanitary conditions and overcrowding, which do or can constitute a menace to the health, safety, morals, welfare and reasonable comfort of the citizens and inhabitants of the City;

WHEREAS, the City Council of the City has further found and determined and does hereby declare that by reason of lack of maintenance and because of progressive deterioration, certain properties have the further effect of creating blighting conditions and initiating slums, and that if the same are not curtailed and removed, the aforesaid conditions will grow and spread and will necessitate in time the expenditure of large sums of public funds to correct and eliminate the same;

WHEREAS, the City Council of the City and has further found and determined and does hereby declare that by reason of timely regulations and restrictions as contained in this ordinance, the growth of slums and blight shall be prevented and the neighborhoods and property values shall be maintained and the desirability and amenities of residential uses and neighborhoods enhanced and the public health, safety and welfare protected and fostered;

WHEREAS, the purpose of the Residential Property Maintenance Code created by this ordinance is to protect the public health, safety, morals, and welfare of citizens and inhabitants of the City by establishing minimum standards governing the maintenance, appearance, condition and occupancy of residential premises in the City and to establish minimum standards governing utilities, facilities and other physical components and conditions essential to make the aforesaid facilities fit for human habitation, occupancy and use; to fix certain responsibilities and duties upon owners and occupants of residential dwelling units; to authorize and establish procedures for the inspection of residential dwelling units and premises; to fix penalties for the violation

of said Residential Property Maintenance Code regulations and to provide for the repair, demolition or vacation of premises that are unfit for habitation or occupancy and use;

WHEREAS, the City Council of the City has found and determined and does hereby declare that it is necessary and appropriate to require inspections of single family and multi-family dwellings proposed for occupancy in order to promote and protect the public health, safety and welfare of the residents of the City;

WHEREAS, for the use and purpose aforesaid, it is necessary and appropriate that the City Council of the City repeal the "Rental Property Maintenance Code" of the City and enact in lieu thereof a "Residential Property Maintenance Code", same to apply to single family dwellings and multi-family dwellings in the City and not to be limited to rental property in the City.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Columbia, Illinois, as follows:

Section 1. The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Columbia, Illinois.

Section 2. Chapter 15.09 of the City of Columbia, Illinois Municipal Code entitled: "RENTAL PROPERTY MAINTENANCE CODE", including Subsections 15.09.010 (Title) through 15.09.110 (Right of appeal) is hereby repealed and thereby rendered of no further force or effect; and, in lieu thereof, Chapter 15.09 to be entitled: "RESIDENTIAL PROPERTY MAINTENANCE CODE", is hereby enacted, to read as follows:

"Chapter 15.09 RESIDENTIAL PROPERTY MAINTENANCE CODE

Section 15.09.010 Title.

Section 15.09.020 Purpose.

Section 15.09.030 Maintenance and repairs.

Section 15.09.040 Construction approval.

Section 15.09.050 Certificate of dwelling maintenance and occupancy permit.

Section 15.09.060 Inspections.

Section 15.09.070 Violations.

Section 15.09.080 Condemnation measures.

Section 15.09.090 Demolition or repair of dangerous buildings.

Section 15.09.100 Emergency measures.

Section 15.09.110 Right of appeal.

Section 15.09.120 Disclaimer of liability.

Section 15.09.130 Disclaimer of warranties.

Section 15.09.140 Indemnity.

Sections:

Section 15.09.010 Title.

This code (including the BOCA National Property Maintenance Code, from time to time in effect and as adopted by Chapter 15.08 of the city municipal code), shall be known and cited as the Columbia "Residential Property Maintenance Code" and may be hereafter in this code referred to as "this code" or the "property maintenance code."

Section 15.09.020 Purpose.

The regulations contained in this code are intended to protect the public health, safety and welfare of the residents of the City of Columbia, Illinois (the "city") by establishing minimum requirements and standards for single family and multi-family dwellings, uses, premises, buildings, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; fixing the responsibility of owners, operators, and occupants; regulating the occupancy and use of existing dwelling structures and uses and existing dwelling premises, and providing for administration, enforcement and penalties.

Section 15.09.030 Maintenance and repairs.

A. Application of Building Codes. Any repairs or alterations to a dwelling structure or use, or part thereof, or changes in the use therein, shall be done in accordance with the procedures and provisions of the building codes of the city; including the city building permit code (Chapter 15.04), the city building code (Chapter 15.08), the city electrical code (Chapter 15.32), the city housing code (Chapter 15.36), and the city

plumbing code (Chapter 15.40), (the "building codes"), which are incorporated herein by reference and by reference made part of this code.

B. Rehabilitation. Buildings and structures existing prior to the adoption of this code, or any code incorporated by reference in this code, in which there is work involving repairs, including any alterations therewith, shall be made to conform to the building codes of the city.

Repairs to an existing structure which are nonstructural, and do not adversely affect any structural member or any part of the structure having a required fire resistance rating, may be made with the same materials of which the structure is constructed; provided such repairs shall not be made so as to cause an existing structure to become unsafe or to adversely affect the performance of the structure.

Repairs to an existing building which are structural or adversely affect any structural member or any part of the structure having a required fire resistance rating shall be made with materials required for a new structure.

C. Ordinary Repair. Except as otherwise required by other codes or ordinances of the city, application or notice to the building commissioner is not required under this code for ordinary repairs to structures, but such repairs:

1. Shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or beaming support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting its exit requirements;

2. Nor include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage leader, gas, soil, waste, vent or similar piping;

3. Nor include electrical wiring work or mechanical work;

4. Nor include repair of fire damages.

D. Maintenance. All buildings and structures and all parts thereof, both existing and new, shall be maintained in safe and sanitary condition. All service equipment, means of egress, devices and safeguards which are required by the building codes in a building or structure, or which were required in a previous code or ordinance in a building or structure, when erected, altered or repaired, shall be maintained in good working order.

E. Owner Responsibilities. The owner or the owner's designated agent shall be responsible for the safety and sanitary maintenance of a building or structure and its means of egress facilities at all times.

F. Workmanship. All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed in a good and workmanlike manner.

G. Building Permit. Notwithstanding anything contained in this code to the contrary, all construction work shall be subject to the requirement of a building permit as required and provided by the building

permit code of the city (Chapter 15.04) and the payment of any fees thereby required.

Section 15.09.040 Construction approval.

A. **Approved Materials and Equipment.** All materials, equipment and devices approved for use by the building commissioner shall be constructed and installed in accordance with such approval.

B. **Modifications.** Where there are practical difficulties in carrying out structural or mechanical provisions of this code, or the building codes of the city, the building commissioner shall be permitted to vary or modify such provision upon application of the owner or the owner's agent, provided that the spirit and intent of the law shall be observed and the public welfare and safety assured and not diminished.

C. **Records.** The request for modification and the final decision of the building commissioner shall be in writing and shall be officially recorded in the permanent records of his department.

D. **Used Materials and Equipment.** Used materials and devices shall not be reused unless they have been reconditioned, tested and placed in good and proper working condition and approved for use by the building commissioner.

E. **Alternative Materials and Equipment.** The provisions of this code are not intended to prevent the use of any material or method of construction not specifically prescribed by this code provided that any such alternative has been approved by the building commissioner or his designated agent and duly qualified representative. An alternative material or method of construction shall be approved when the building commissioner finds that the proposed design is satisfactory and complies with the intent of the provisions of this code and the building codes, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

F. **Research and Investigations.** The building commissioner shall require that sufficient technical data be submitted to substantiate the proposed use of any construction material or assembly, and if it is determined that the evidence submitted is satisfactory proof of performance for the use intended, the building commissioner shall approve the use of such material in construction assembly subject to the requirements of this code and the building codes. The cost of all tests, reports and investigations required under these provisions shall be paid by the applicant.

G. **Research Reports.** Supporting data when required by the building commissioner to assist in the approval of all materials or assemblies not specifically provided for in this code or the building codes shall consist of duly authenticated research reports from approved sources.

H. Professional Architectural and Engineering Services. Design for repair construction work that is subject to the operations of the Illinois Architectural Practice Act of 1989, as amended, shall be prepared by, or under the direct supervision of a registered professional architect or qualified registered professional engineer licensed and registered by the state of Illinois and shall bear that architect's or engineer's seal and signature in accordance with state law and shall be subject to the applicable provisions of the building codes of the city.

Section 15.09.050 Certificate of dwelling maintenance and occupancy permit.

It is unlawful for any person, firm or corporation to occupy, or permit to be occupied or to collect the rental from any occupied dwelling unit for more than thirty-seven (37) days without obtaining a certificate of dwelling maintenance and occupancy permit ("certificate" or "dwelling certificate") from the building commissioner of the city. No person, firm or corporation shall occupy, or allow the occupancy or collect the rental of any dwelling unit if such certificate has been revoked.

A. For purposes of this code an on-premises inspection shall be required and a dwelling certificate required for each of the following events or occurrences:

1. Change in Dwelling Unit Occupancy. Whenever there is a change in occupancy of any structure containing a dwelling unit, an application for a certificate shall be made by the owner thereof or by his duly authorized agent or representative and filed with the building commissioner. If a certificate was previously issued for such structure within a twelve (12) month period prior to the change in occupancy, a new certificate for the change in occupancy shall be required, however a reinspection shall not be required.

2. New Dwelling Unit Structures. A structure intended for dwelling purposes hereafter erected, or harbored in the case of mobile homes, shall not be used or occupied in whole or in part until a certificate shall have been issued by the building commissioner as required by this code.

3. Structures Hereafter Altered. Any structure or part thereof containing a dwelling unit, or proposed to contain a dwelling unit, that is hereafter enlarged, extended or the floor plan is altered shall not be occupied or used as a dwelling place until a certificate shall have been issued by the building commissioner under this code.

4. Complaint Received. Upon receipt of a complaint filed by a tenant occupying the dwelling unit complained of, provided, however, in the event the dwelling unit is found to be in compliance with code, then and in that event, the tenant will be responsible for payment of the required inspection fee due under this code.

5. Notwithstanding anything contained in this section of this code to the contrary, a certificate of use and occupancy issued by the building commissioner under the authority given and requirements stated in the city's building code (chapter 15.08 of the city's municipal code) will be considered and is expressly distinguished from a certificate of maintenance and occupancy permit under this code. However, such certificate of use and occupancy required for newly constructed dwellings under the building code shall be honored as an alternative to a dwelling certificate required by this code.

B. Exempt Property. Notwithstanding anything contained in the preceding subsection A of this Section of this code, no on-premises inspection shall be required and a dwelling certificate shall not be required for newly constructed dwellings for which a certificate of use and occupancy has been issued by the building commissioner under the authority given and requirements stated in the city's building code until after the lapse of five (5) years following the date of the issuance of said certificate of use and occupancy.

C. The Contents of Certificate. When a dwelling unit is entitled thereto, the building commissioner shall issue a certificate of dwelling maintenance and occupancy permit within thirty (30) days from written application therefor. The certificate shall certify compliance with the provisions of this code, shall state the maximum number of occupants permitted to occupy the dwelling unit in accordance with the provisions of city ordinances, street address or other means of identification, date of issue, and such other information as the building commissioner shall deem appropriate for the implementation of this code.

D. By Whom Application is Made. Application for a certificate of building maintenance and occupancy permit required by this code shall be made by the owner of the structure containing the dwelling unit or by his duly authorized representative. If the application is made by a person other than the owner in fee, it shall be accompanied by a signed statement of the applicant to the effect that the applicant is authorized by the owner in fee to make such application. The full names and addresses of the owner or the name and address of the responsible party if the owner is a corporation, trust or other type of legal entity that is not a natural person and the name and address of the applicant shall be stated in the application.

The application for such certificate shall be submitted in such form as the building commissioner prescribes and shall be filed with the building commissioner within seven (7) days of the occurrence of whichever of the events described in subsections (A)(1) through (A)(4) of this section require an inspection and issuance of a certificate.

E. Action on Application. The building commissioner, his agent and duly qualified representative, shall examine or cause to be examined all applications for certificate of dwelling maintenance and occupancy permit and shall inspect or cause to be inspected the structure subject of

the application within thirty (30) days time after filing. If the application and the structure conforms to the requirements of all pertinent laws of the city, the building commissioner shall issue the certificate within said thirty (30) days.

F. Scheduling of Inspections--Utility Services. Inspections and reinspections shall be scheduled for normal work days of the city and between the hours of eleven (11:00) o'clock a.m. and four (4:00) o'clock p.m. local time, excepting for the hour from twelve (12:00) o'clock noon to one (1:00) o'clock p.m.

Appointments for inspection and/or reinspection shall be made for time(s) of mutual convenience of the applicant and the building commissioner whenever possible and within the time frames specified above. It shall be the responsibility of the owner or the owner's agent or tenant to provide access to the structure and to dwelling unit(s) therein within seven (7) days from the date of request by the city for gain of entry and free access, otherwise the provisions of Section 15.09.070(B) shall be invoked, including penalties.

Water and electric utility services connections, and gas utility service connection, if applicable, shall be in service at the time scheduled for inspection and reinspection for the purpose of inspection of matters regulated by city building codes, including the city electrical code (Chapter 15.32) and the city plumbing code (Chapter 15.40).

G. Unscheduled Inspections. Nothing in this code shall be construed to prevent the building commissioner from performing inspections at unscheduled, random intervals or spontaneous frequency in furtherance of the implementation of this code, particularly in the instance of complaints brought to his attention, or in the course of a block or multi-block survey, or in the event of obvious cause.

H. Fees. The fee(s) for a certificate shall be as fixed by the city council from time to time as published in the annual fee ordinance of the city.

Section 15.09.060 Inspections.

A. General. In order to safeguard the safety, health and welfare of the public, the building commissioner is authorized to enter any structure or premises at any reasonable time for the purpose of making inspections and performing his duties under this code.

B. Right of Entry. If any owner, occupant, or other person in charge of a structure subject to the provisions of this code refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to any part of the structure or premises where an inspection authorized by this code is sought, the administrative authority shall be permitted to seek, in a court of competent jurisdiction, an order that such owner, occupant or other person in charge cease and desist with such interference.

Any persons who shall refuse, impede, inhibit, interfere with, restrict or obstruct entry and free access to any part of the structure or premises where inspection authorized by this code is sought shall be acting in violation of the provisions of this code and shall be held liable for payment of any legal costs incurred by the city in securing entry and free access to such premises, including court costs and reasonable attorney fees so incurred.

C. Coordination of Enforcement. Inspection of property the issuance of notices and orders and enforcement thereof shall be the responsibility of the building commissioner. Whenever inspections are necessary by any other department in connection with this code, the building commissioner shall make a reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with other inspectors for the purpose of eliminating conflicting orders before any are issued. An inspector shall not, however, delay the issuance of any emergency orders.

D. Jurisdictional Cooperation. The assistance and cooperation of police, fire, and health departments and all other officials shall be available to the building commissioner as may be required in the administration and enforcement of this code.

Section 15.09.070 Violations.

A. Unlawful Acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, use or occupy, let to another for use or occupy or permit another person to use or occupy any structure or equipment regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this code, or to fail to obey a lawful order of the building commissioner, or to remove or deface a placard or notice posted under the provisions of this code.

Any person who shall violate or who shall maintain a violation of this code, or who shall contribute to a violation or to the maintenance of a violation of this code, shall be subject to prosecution and the penalty provisions of this code.

B. Injunction. If the owner or owners, including lien holders of record, fail to bring a building, structure, premises, or part thereof, including equipment into conformity with the minimum standards for health and safety as set forth in this code within the time specified in a notice of violation, the building commissioner may request the city's attorney to make application to a court of competent jurisdiction for an injunction requiring right of entry for inspection or compliance with this code or for such other order as the court may deem necessary or appropriate to secure compliance including the appointment of a receiver to cause such

building, structure or premises or part thereof to conform to the standards and requirements of this code. (65 ILCS 5/11-31-2)

C. Prosecution for violation. In case of any unlawful acts (as described in subsection A of this section) the building commissioner shall institute an appropriate action or proceeding at law to exact the penalty provided by subsection D (entitled "Fine") of this section. Also the building commissioner shall request the city's attorney to proceed at law or in equity against the person responsible for the violation for the purpose of ordering that person:

1. To restrain, correct or remove the violation or refrain from any further execution of work;
2. To restrain or correct the erection, installation, maintenance, repair or alteration of such building or structure;
3. To require the removal of work in violation; or
4. To prevent the occupation or use of the structure which is not in compliance with the provisions of this code.

D. Fine. Any person, firm or corporation who shall violate any of the provisions of this code shall be guilty of a petty offense punishable by a fine of not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) plus costs. If more than one provision, standard or requirement of this code is violated, then each such provision, standard or requirement violated shall be considered to be a separate offense. Each day that a violation occurs or continues, after due notice has been served, shall be considered to be a separate offense for which the violator shall be liable to the maximum penalty herein specified for each violation.

E. Notice of Violation. When the building commissioner determines that there has been a violation of this code or has reasonable grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible therefor in the following manner:

1. Such notice shall be in writing;
2. Include a description of the location of the real estate sufficient for identification;
3. Reference to the specific section of the code found violated;
4. Include an order allowing a reasonable time, not less than twenty (20) days, (except in a case of an emergency, including but not limited to, threat to health or physical safety) for the repairs and improvements required to bring the property or structure into compliance with the provisions of this code; and
5. Include a brief explanation of the owner's right to seek modification or withdrawal of the notice by petition to the property maintenance board of review.

F. Service--Notice of Violation. Notice shall be deemed to be properly served upon such owner if:

1. A copy of the notice is delivered to the owner personally; or

2. By leaving a copy of the notice at his usual place of abode delivered to the owner or to someone in his family that is age fourteen (14) or older who is informed of the contents thereof; or

3. By certified mail, return receipt requested; or

4. If such mailing is returned with receipt showing the notice has not been delivered or if the service is otherwise rejected or not deliverable, then by merely placarding the subject property or premises in accordance with the provisions of subsection E of this section.

G. Disclosure of Beneficiaries of Land Trusts and Owners of Property. The trustee who pursuant to a trust instrument has title to but no beneficial interest in real estate, after receipt (by such trustee) of the initial written notice or complaint of violation of this code shall disclose to the building commissioner the identity and address of every beneficiary of the trust having a beneficial interest in the trust. (765 ILCS 405-Land Trust Beneficial Interest Disclosure Act)

H. Premises of Uncertain Ownership. Notice of violation under this code shall be served on the owner or owners of the property and upon the lien holders of record. If upon diligent search, the identity or whereabouts of the owner or owners of the building and the lien holders of record are not ascertainable, notice mailed to the person or person in whose name the real estate was last assessed by the county assessor of the county in which the real estate is situated is sufficient notice under this code. (65 ILCS 5/11-31-1-Unsafe Buildings Act)

I. Placarding--Notice of Violation. When the building commissioner determines a violation of this code exists he may cause a notice of such violation to be posted in a conspicuous place near the main entrance of such building or structure; and if no such entrance exists, then at a conspicuous place upon the premises.

The notice shall be at least nine inches in height and fourteen inches in width and at the top thereof in large letters shall state "Notice of Violation." The text of such notice shall contain a reference to the provision of the code violated and may contain such other information regarding the nature of the violation as the building commissioner deems advisable.

J. Removal--Defacing--Penalty. Upon remedy of the cause of the violation for which notice is posted the building commissioner shall forthwith remove the notice. Any other person removing any such notice or defacing such notice shall be guilty of a petty offense and shall be fined not to exceed one hundred dollars (\$100.00). (50 ILCS 810/0.01, et seq., the Building Code Violation Notice Posting Act)

K. Transfer of Ownership. It shall be unlawful for the owner of any dwelling unit, structure, or premises upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of the property to another until the provisions of the notice of violation have been complied with; except as hereinafter provided in the next succeeding paragraph of this section.

Notwithstanding the prior paragraph of this section, the owner of the property may dispose of the same without curing the violation if such owner shall first furnish the grantee, transferee, mortgagee, and lessee of the property a true copy of any notice of violation issued by the building commissioner and shall furnish to the building commissioner a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the responsibility without condition for making the corrections or repairs required by such notice of violation.

Section 15.09.080 Condemnation measures.

A. In General. When a structure or part thereof is found by the building commissioner to be unsafe, or when a structure or part thereof is found unfit for human occupancy or use, or is found unlawful, such structure may be closed from human use and occupancy by the building commissioner pursuant to the condemnation provisions of this code and Illinois state law and shall be placarded, vacated and shall not be reoccupied without approval of the building commissioner. Unsafe equipment shall be placarded and placed out of service.

B. Unsafe Structures--Defined. An unsafe structure is one in which all or part thereof is found to be dangerous to life, health, property, or the safety of the public or the occupants of the structure by not providing minimum safeguards for protection from fire or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that partial or complete collapse is likely.

C. Unsafe Equipment--Defined. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

D. Structure Unfit for Human Occupancy--Defined. A structure is unfit for human occupancy or use whenever the building commissioner finds that such structure is unsafe, unlawful, or because of the degree in which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by the city codes and ordinances.

E. Unlawful Structure Defined. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied in violation of this code and contrary to law.

F. Notice and Service of Violation Orders--Condemnation. Notice and service of violation orders shall have been as specified by subsection E of Section 15.09.070 of this code.

G. Placarding of Condemned Premises. Upon the instance of the initiation of an injunction involving a condemnation action, the building commissioner shall placard the subject premises of the condemnation action; the premises shall be posted at the location specified by subsection I of Section 15.09.070 of this code.

The notice of condemnation shall be at least nine inches in height and fourteen (14) inches in width and at the top thereof in large letters shall state "Notice of Violation, Condemned as Unfit for Human Occupancy or Use by Order of the Building Commissioner of the City of Columbia, Illinois" and may contain such other information or instructions as the building commissioner deems necessary in the interest of the public health, safety and welfare.

H. Prohibited Use. Any person who shall occupy a condemned and placarded premises or structure or part thereof, or shall use placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy such a placarded premises shall be liable for the penalties provided by this code.

I. Service on Occupant. Upon the instance of the initiation of a condemnation action, the building commissioner shall serve written notice of condemnation upon the occupant of the subject building or part thereof ordering the condemned premises to be vacated.

1. If the occupant is other than the owner or person responsible for remedying the objectionable condition, a reasonable time to vacate the premises after noncompliance shall be stated.

2. Owners or persons responsible for compliance shall vacate the premises at the time stated in the notice of violation for correction of the defects if there is failure to comply.

J. Penalties. Penalties for noncompliance with orders and notices to vacate shall be as prescribed in subsection D of section 15.09.070 of this code.

K. Closing of Vacant Structures--Temporary Measures. If a structure or a part thereof is vacant and unfit for human habitation, occupancy or use and is not in danger of structural collapse, upon the instance of a condemnation action the building commissioner shall proceed to placard the premises in the manner prescribed above and may order the structure closed up as a temporary measure so as not to be an attractive nuisance to youngsters. Upon failure of the owner to so close up the premises within the time specified in the order, the building commissioner may cause the premises to be so closed through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate, which lien may be foreclosed in a manner similar to the foreclosure of real estate liens in real estate mortgage foreclosure actions or actions to foreclose mechanic's liens in the state of Illinois.

Section 15.09.090 Demolition or repair of dangerous buildings.

The corporate authorities may demolish, repair or cause the demolition or repair of dangerous and unsafe buildings or structures or uncompleted and abandoned buildings or structures within the corporate limits of the city in accordance with, pursuant to, and as is required by Chapter 15.20 of the city's municipal code and/or Section 11-31-1 et seq. of the Illinois Municipal Code (65 ILCS/11-31-1, et seq.-Unsafe Building Act).

Section 15.09.100 Emergency measures.

A. Vacating Structures. When, in the opinion of the mayor, there is actual and immediate danger of failure or collapse of a structure which would endanger life, or when any structure has fallen and life is endangered by the occupancy of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or use of defective or dangerous equipment, the mayor, following the procedures required by section 11-1-6 of the Illinois Municipal Code, is authorized and empowered to order and require the occupants to vacate the premises forthwith. He shall cause to be posted at the main entrance to such structure a notice reading as follows: "This structure is unsafe and its use or occupancy has been prohibited by emergency order of the City of Columbia." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure and/or its contents, making the required repairs, removing the hazardous condition, or of repairing to make safe or demolishing the structure as authorized by the mayor. (65 ILCS 5/11-1-6 Emergency Powers of Mayor).

B. Closing Streets. When necessary for the public safety, the mayor shall temporarily close sidewalks, streets, places and premises adjacent to such unsafe structure, and prohibit the same from being used.

C. Emergency Work. For the purposes of this section, the mayor shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

D. Cost of Emergency Work. Costs incurred in the performance of emergency work shall be paid from the treasury of the city on certificate of the mayor. The legal counsel of the city shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

E. Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the property maintenance board of

review be afforded a hearing as provided in Section 15.09.110 of this code.

Section 15.09.110 Right of appeal.

A. Petition. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this code, or of any rule or regulation adopted pursuant thereto, shall have the right to request and shall be granted a hearing on the matter before the property maintenance board of review.

B. Property Maintenance Board of Review. In order to protect existing structures in the jurisdiction by vigorous enforcement of the provisions of this code, the property maintenance board of review is charged with the jurisdiction to hear and the authority to decide all grievances from a decision, determination or action of the building commissioner or mayor for actions taken under Section 15.09.100 of this code and the implementation and administration of this code.

C. Membership and Organization. The membership, organization and operation of the property maintenance board of review shall be comprised of a general contractor, a plumbing contractor, and an electrical contractor appointed by the mayor with the advice and consent of the city council, and two members of the city council. The decision of the majority of a quorum of the board shall control on all matters to be decided by the board, except for appeals of decisions of the mayor under Section 15.09.100 of this chapter, for which a four-fifths majority of the members of the board holding office shall be required.

Section 15.09.120 Disclaimer of liability.

A. No officer, city council member, agent or employee of the city, (including the building commissioner and his duly authorized agents), shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under the Residential Property Maintenance Code. (See "Local Government and Governmental Employees Tort Immunity Act", 745 ILCS 10/1-101, et. seq.

B. Any suit brought against any officer, city council member, agent or employee of the city, (including the building commissioner and his duly authorized agents), as a result of any act required or permitted in the discharge of his duties under this Residential Property Maintenance Code, shall be defended by the Municipal Attorney (or outside counsel of the city's choosing) until the final determination of the legal proceedings.

Section 15.09.130 Disclaimer of warranties.

The issuance of a Certificate of Dwelling Maintenance and Occupancy Permit in accordance with the requirements of this Residential Property Maintenance Code (chapter 15.09 of the City of Columbia Municipal Code) shall not be and shall not be regarded or construed as any type of warranty to the owner(s) and occupant(s) of the property for which the permit is issued regarding the fitness or condition of the dwelling or other real estate improvements for which the permit is issued. No property owner or occupant shall have any claim or cause of action against the city or any officer, city council member, agent or employee, (including the city building commissioner and his duly authorized agents) for defects or hazards existing in or connected to the property for which a Certificate of Residential Property Maintenance Permit is issued or for which there was a city inspection in connection with the issuance of such a permit.

Section 15.09.140 Indemnity.

The city shall hold the city officers, city council members, agents and employees (including the building commissioner and his duly authorized agents) for acts required or permitted in the discharge of their duties under this Residential Property Maintenance Code (chapter 15.09 of the City of Columbia Municipal Code) safe, free and fully indemnified from all claims and causes of action for property damage or personal injury to property owner(s), property occupant(s) and all others that occur as a result of any act required or permitted in the discharge of their duties under this Residential Property Maintenance Code, (including but not limited to the performance of property inspections and issuance of Certificate of Dwelling Maintenance and Occupancy Permits); except for acts involving gross negligence or wrongful willful acts or omissions. The indemnity shall include payment of, or reimbursement for, all attorneys' fees and court costs incurred in defending such claims or cause of action and reasonable attorneys' fees and court costs required to be incurred in enforcing the indemnity provided for herein.

Section 3. Chapter 15.08 of the City of Columbia, Illinois Municipal Code entitled: "BUILDING CODE", is hereby changed and amended to add thereto Section 15.08.030 to be entitled: "Property maintenance code adoption", to read as follows:

"15.08.030 Property maintenance code adoption.

The 1996 BOCA National Property Maintenance Code (Fifth Edition), as from time to time amended and supplemented, is hereby adopted by reference and maybe printed in pamphlet form. Subsequent editions of the BOCA National Property Maintenance Code that are published hereafter shall be deemed adopted and incorporated in the city's building code, as provided above, and as they are printed and

published. Appropriate ordinances of the city, if any be required, shall be enacted as soon as practicable thereafter to supply any additions, insertions and changes required, so that the city's building code shall incorporate the most recent edition of the BOCA National Property Maintenance Code from time to time published.

Section 4. All ordinances or resolutions, or parts of ordinances or resolutions, in conflict herewith, to the extent of such conflict, are hereby repealed, including Chapter 15.09 entitled: "RENTAL PROPERTY MAINTENANCE CODE", as it existed prior to enactment of this Ordinance.

Section 5. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form, as provided by law.

Alderman Agne moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Row, and the roll call vote was as follows:

YEAS: Aldermen Conrad, Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row
and Mayor Hutchinson.

NAYS: None.

ABSENT: Alderman Huch.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor this 18th day of July, 2005.



KEVIN B. HUTCHINSON, Mayor

ATTEST


WESLEY J. HOEFFKEN, City Clerk

(SEAL)

STATE OF ILLINOIS)
) SS
COUNTY OF MONROE)

CERTIFICATE OF PUBLICATION

I, Wesley J. Hoeffken, certify that I am the duly elected and acting Municipal Clerk of the City of Columbia, Illinois.

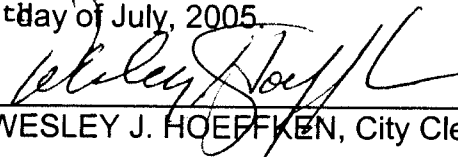
I further certify that on the 18th day of July, 2005, the Corporate Authorities of the City of Columbia, Illinois passed and approved Ordinance No. 2381, entitled:

"AN ORDINANCE TO REPEAL THE RENTAL PROPERTY MAINTENANCE CODE OF THE CITY OF COLUMBIA, ILLINOIS AND TO ENACT A PROPERTY MAINTENANCE CODE FOR SAID CITY WHICH WILL APPLY TO ALL DWELLINGS IN THE CITY"

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2381, including the ordinance and a cover sheet thereof, was prepared and a copy of such ordinance will be posted in the Columbia City Hall, commencing on the 19th day of July, 2005 and continuing for at least ten (10) days thereafter. Copies of such ordinance were also available for public inspection upon request at the office of the City Clerk.

DATED at Columbia, Illinois this 18th day of July, 2005.



WESLEY J. HOEFFKEN, City Clerk

(SEAL)