

CHAPTER 29

PROPERTY MAINTENANCE CODE

ARTICLE I - GENERALLY

29-1-1 **ESTABLISHED.** This Code establishes the minimum requirements for the initial and continued occupancy and use of all structures and premises, but does not replace or modify requirements otherwise established by prior codes, ordinances, the Housing Code and Building Code, which may be additional or more stringent than the requirements set forth herein for the construction, repair, alteration or use of structures, equipment or facilities.

ARTICLE II - CODE ENFORCEMENT OFFICER

29-2-1 **OFFICE ESTABLISHED.** It shall be the duty and responsibility of the appointed Code Enforcement Officer hereinafter referred to as "Officer" or "Officers" to enforce the provisions of this Code as herein provided. The Officer or Officers shall be appointed by the Mayor with the consent of the City Council.

29-2-2 **OFFICER'S DUTIES.** The Officer shall have the following powers and duties:

(A) To enforce all the provisions of this Code relative to the maintenance of structures and premises except as may otherwise be specifically provided for herein or by other codes or ordinances.

(B) To issue all necessary notices and orders to abate illegal or unsafe conditions in order to ensure compliance with this Code's requirements for the safety, health and general welfare of the public.

(C) To enter any non-residential structure at any reasonable time for the purpose of making inspections and performing duties under this Code when there is sufficient exterior evidence of deterioration or neglect to warrant interior inspection.

(D) To enter and conduct interior inspection of residential property or structures for the purpose of determining the question of condemnation only upon application to, and issuance of an order by a Court of competent jurisdiction authorizing such entry.

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(E) To seek from a Court of competent jurisdiction an order for an owner, occupant, or other person in charge of a premises to cease and desist in refusing, impeding, inhibiting, or obstructing the free access by the Officer to any part of a structure wherein inspection is sought.

29-2-3 **ACCESS TO PREMISES.** Every occupant of a non-residential structure or a premises shall give the owner, his agent or employee access to any part of such structure or its premises at reasonable times for the purpose of making inspections and such repairs as are necessary to comply with the provisions of this Code.

29-2-4 **EXHIBITING CREDENTIALS.** The Officer or his authorized representative shall disclose proper credentials of his respective office for the purpose of entering into any structure for the purpose of inspecting any and all buildings and premises in the performance of his duties pursuant to this Code.

29-2-5 **INSPECTION OF PREMISES.** Inspection of all premises, the issuance of notices and orders resulting from such inspections and the enforcement of this Code shall be the responsibility of the Officer. However, if, in the opinion of the Officer initiating an inspection under this Code, he deems it necessary or desirable to have inspections by other departments of the City, the Officer shall make reasonable effort to arrange for the coordination of such additional inspections so as to minimize the number of visits by inspectors. The Officer shall confer with the other departments conducting inspections for the purpose of eliminating conflicting orders or citations before any are issued. No department conducting such inspections shall delay the issuance of any emergency orders which it determines must be issued for the purpose of conducting such a conference with other departments.

ARTICLE III - UNSAFE STRUCTURES AND EQUIPMENT

29-3-1 CONDEMNATION OF STRUCTURES. When any structure or part thereof is determined by the Officer to be unsafe, or when a structure or part thereof is found unfit for human occupancy or use, or is found to be unlawful, it may be condemned pursuant to the provisions of this Code and shall be posted with appropriate notice and vacated. It shall not be reoccupied without approval of the Officer. Unsafe equipment located within a structure shall also be posted with appropriate notice and placed out of service upon posting.

29-3-2 UNSAFE STRUCTURE DEFINED. An unsafe structure is one in which all or part thereof is determined by the Officer to be dangerous to life, health, property or the safety of the public, which includes its occupants, because it is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that it may partially or completely collapse.

29-3-3 EQUIPMENT DEFINED. Equipment includes any boiler, heating unit, elevator, moving stairway, electrical wiring or device, air conditioning system, flammable liquid container or other type of equipment located within a structure or premises. Such equipment is unsafe when it is in such disrepair or condition that it is determined by the Officer to be a hazard to life, health, property or safety of the public or the occupants of the structure or premises wherein the equipment is situated. Unsafe equipment may contribute to or be the cause of a finding that the structure wherein it is situated is unsafe or unfit for human occupancy or use.

29-3-4 HEALTH AND SAFETY INSPECTIONS. Hereinafter no land or structure shall be occupied or used until an inspection of the premises has been conducted and a health/safety permit issued by the Chief Building and Zoning Official, or their designee, stating that the building complies with the provisions of the City Code and that the premises, and all improvements thereto comply with the requirements of the City Building Code, Electrical Code, Plumbing Code, Property Maintenance Code, and Utility Code.

(A) Any health/safety permit for a new building or reconstruction or alteration of an existing building shall be applied for coincident with the application for a building permit and said certificate shall be issued within five (5) working days following final inspection and approval of the premises involved. A health/safety permit shall be valid for a period of 12 months, or until there is a change in occupancy, whichever period of time is greater.

(B) For premises that are not owner-occupied, but instead used as rental property (i.e. apartments, duplexes, rental houses, etc.), the property manager or owner shall obtain a health/safety permit for the premises. Should an occupant be

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permitted by the owner or property manager to occupy any structure without first obtaining a health/safety permit, the owner or property manager shall be guilty of violating this Section and shall be subject to a fine of not less than \$100.00 and not more than \$750.00. Each day of unlawful occupancy shall be considered a new violation subject to the preceding fine limits. Failure to obtain a health/safety permit prior to the occupant moving onto the premises shall not waive the right of the City to enter onto and conduct an inspection of the premises.

(C) The property manager or owner shall be responsible for applying for the health/safety permit, and paying the \$75.00 health/safety permit fee. An additional \$50.00 fee shall be assessed for the first re-inspection due to failure. Any subsequent re-inspections will be at the rate of \$75.00. The property manager or owner shall be responsible for paying the health/safety permit fee for inspection and re-inspection appointments the property manager or owner fails to keep. The inspector will wait no longer than 15 minutes to begin a scheduled inspection. Initial inspections will be scheduled and initiated within 5 days of application. Re-inspections will be scheduled and initiated within 30 days of the prior inspection.

(D) If it is determined by the Superintendent of Public Works that an inspection of the property's water/sewer is not necessary, the initial (or subsequent) health/safety inspection permit fee shall be \$50.00.

(E) The Chief Building and Zoning Official may require the assistance of additional City personnel to conduct the health/safety inspection. In such case, efforts will be made to complete all inspection requirements at the same inspection appointment. If this is not possible, an additional appointment time will be set with no additional fee. For property requiring an inspection of the water/sewer system, the owner or property manager shall be responsible for providing access to said system to facilitate the inspection (i.e. toilet removal if alternate cleanout is unavailable, removal of wall panel for hidden cleanout, etc.).

(F) Any property manager or owner shall have the right to appeal to the Trenton City Council, the Chief Building and Zoning Official's inspection determination in connection with the enforcement of the City's Building Code, Electric Code, Plumbing Code, Property Maintenance Code and Utility Code. Any such appeal shall be based solely upon and shall state a claim that: (i) the true intent of the code or the rules or regulations adopted pursuant thereto have been incorrectly interpreted, (ii) the provisions of the code do not apply, or (iii) an equivalent form of construction can be used. Any appeal under this section shall be in writing, shall contain a written statement of grounds for the appeal and must be received by the office of the City Administrator within thirty (30) days after the rendering of the Chief Building and Zoning Official's inspection decision. Appeals will be heard by the City Council no less than 5 days, nor greater than 35 days, following receipt of the appeal by the City Administrator's office. **(Ord. #1615; 08-04-15)**

ARTICLE IV - UNFIT OR UNLAWFUL STRUCTURES

29-4-1 **STRUCTURES UNFIT FOR OCCUPANCY.** A structure is unfit for human occupancy or use whenever the Officer finds that it is unsafe, unlawful, or because of the degree in which it lacks maintenance or is in disrepair, is unsanitary, vermin or rat infested, contains filth and contamination or lacks proper ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Code or any other code or ordinance. Furthermore, a structure may be unfit for human occupancy if its location constitutes a hazard to its occupants or to the public.

29-4-2 **UNLAWFUL STRUCTURE DEFINED.** An unlawful structure is one found in whole or in part to be occupied by more persons than is permitted by the City Code. An unlawful structure is also one which was determined to have been erected, altered or occupied contrary to the City Code.

29-4-3 **VACANT STRUCTURES.** If any structure or part thereof is vacant and unfit for human habitation, occupancy or use, but is not in danger of structural collapse, the Officer shall post a placard of condemnation on the premises and shall order the structure closed up so it will not be an attractive nuisance to the public. Upon failure of the owner to close up the premises within the time specified in the order, the Officer shall cause the structure to be closed through any available public agency or by contract or arrangement with private persons or contractors. The cost for closing up the structure shall be charged against the real estate upon which the structure is located and shall constitute a lien on such real estate.

ARTICLE V

MAINTENANCE OF THE EXTERIOR OF STRUCTURES AND PREMISES

29-5-1 APPLICABILITY OF PROVISIONS. The provisions of this Article shall govern the minimum conditions for maintenance of the exterior of property, premises and structures. Premises shall comply with the conditions herein prescribed insofar as they are applicable.

29-5-2 MAINTENANCE BY OWNER. The owner of the premises or structure shall maintain the property in compliance with the requirements set forth herein. A person shall not occupy, as owner/occupant, or lease to another for occupancy or use, premises or structures which do not comply with the requirements of this Code.

29-5-3 VACANT STRUCTURE CONDITIONS. All vacant structures and vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause blight or to adversely affect the public health and safety.

29-5-4 EXTERIOR PREMISES. All exterior property areas and premises shall be maintained in a clean, safe and sanitary condition, free from any accumulation of rubbish or garbage. Storage of material must, at all times, be enclosed or screened from adjoining property and from public view so as not to be visible from adjoining property or from a public street.

29-5-5 GARBAGE STORAGE CONTAINERS. The owner, manager or operator of every establishment producing garbage, vegetable wastes or other putrescible materials shall provide, and at all times, cause to be used, leak-proof containers having close-fitting covers for storage of such materials until such time as they are removed from the premises for disposal. The storage containers shall be located behind or to the sides of a building. All storage containers which are greater than **one (1) yard** in size located in commercial areas shall be screened from residential areas and residential streets so they are not visible. All storage containers which are greater than **four (4) yards** in size located in residential areas shall be screened from view so as not to be visible from open areas.

29-5-6 STAGNANT WATER. All premises shall be graded and maintained in such a manner so as to prevent the accumulation of stagnant water thereon.

29-5-7 LOADING AND DELIVERY AREAS. All loading and delivery areas, automobile service stations and drive-in food establishments shall be paved with bituminous, concrete or equivalent surfacing and shall be free from dirt and other litter.

The paved areas of such establishments shall be kept in good repair. Exterior lighting of commercial establishments shall be installed in such a manner so as to avoid illumination of residential areas as much as possible.

29-5-8 RESPONSIBILITY FOR EXTERMINATION OF PESTS. An owner or manager of a structure or of property shall be responsible for the extermination of insects, rats, vermin or other pests in all exterior areas of the premises except that the occupant of a single-family dwelling shall be responsible for such extermination in the exterior areas of the premises. Whenever infestation exists in the shared or public parts of a premise or structure which is not a single-family dwelling, extermination shall be the responsibility of the owner, manager or operator of the premises or structure.

29-5-9 RESPONSIBILITY FOR EXTERIOR AREAS. All sidewalks, steps, driveways, parking spaces and similar paved areas privately owned, but used by the public, shall be free from mud and other debris. If any sidewalk or driveway, or portion thereof, by virtue of its state of disrepair shall constitute a danger to public health and safety, the sidewalk or driveway, or portion thereof, shall be repaired or replaced.

29-5-10 WEEDS AND LAWNS. All areas shall be kept free from weeds or wild plant growth. Lawns shall not exceed **eight (8) inches** in height.

29-5-11 STORAGE YARDS AND AREAS. All open storage yards and open storage areas shall be completely obscured from view from surrounding property by a solid screen fence not less than **six (6) feet** in height.

29-5-12 DISCHARGES TO ADJACENT PROPERTY. No person shall construct, maintain or operate pipes, ducts, conductors, fans or blowers in such a manner so as to discharge gases, steam vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property belonging to another.

29-5-13 ACCESSORY STRUCTURES. All accessory structures, including detached garages, fences and walls shall be maintained structurally sound and in compliance with the requirements for exterior structures set forth herein.

29-5-14 EXTERIOR OF STRUCTURES. The exterior of a structure or building shall be maintained structurally sound and sanitary so as not to pose a threat to the health and safety of the occupants or other members of the public and shall be maintained so as to protect the occupants from the elements.

(A) **Structural Members.** All supporting structural members of all structures and buildings shall be kept structurally sound, free of deterioration and maintained so as to be capable of safely bearing the dead and live loads located within such buildings and structures.

(B) **Maintenance of Foundations.** Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair.

(C) **Foundation Walls.** All foundation walls shall be maintained so as to carry the safe design and support the operating dead and live loads of the building or structure. The foundations shall be maintained plumb and free from open cracks and breaks and be kept in a state of repair so as not to be detrimental to individual safety and welfare of citizens.

(D) **Exterior Walls.** All exterior walls shall be free of holes, breaks, cracks, loose or rotting boards or timbers, and shall be free of any other conditions of disrepair which might admit rain, dampness or wind to the interior portions of the walls or to the occupied spaces within a building. All exterior surface materials, including wood, composition or metal siding shall be maintained weatherproof and shall be properly surface coated where necessary in order to prevent deterioration.

(E) **Roofs and Roof Drainage.** Roofs of all buildings and other structures shall be structurally sound, and shall not have defects which might admit moisture. Roof drainage shall be such so as to prevent rainwater and other types of moisture from causing dampness in the walls or the interior portion of any building or structure.

(F) **Maintenance of Cornices.** All cornices, entablatures, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair and shall be properly anchored to a building or structure so as to be in a safe condition.

(G) **Maintenance of Overhang Extensions.** All canopies, marquees, signs, metal awnings, fire escapes, standpipes, gutters and downspouts, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and secure condition. They shall be protected from the elements and against decay and rust by the periodic application of a weather-coating material such as paint or by application of other protective treatment material.

(H) **Chimneys and Appurtenances.** All chimneys, cooling towers, smoke stacks and similar appurtenances shall be maintained structurally safe, sound and in a good state of repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials such as paint or by treatment of a similar substance.

(I) **Stairway, Porch and Balcony.** Every stair, stairway, porch, balcony, and all appurtenances attached thereto, shall be so constructed and maintained so as to be safe to use and capable of supporting the loads to which it is subjected. They shall be kept in a sound condition and in good repair.

(J) **Windows and Doors.** Every window, door and frame shall be constructed and maintained in such relation to the adjacent wall constructions so as to prevent rain and other types of moisture and wind from penetrating the interior of the dwelling or structure. Every window sash shall be treated with approved glazing materials and shall be free of cracks and holes.

29-5-15 SANITARY CONDITIONS. Every occupant of a structure, building, or part thereof, shall keep that portion of the structure or premises which he occupies in a clean and sanitary condition. Every owner, manager or operator of a building containing **two (2)** or more dwelling units shall maintain the shared or public areas of the building in a clean and sanitary condition.

(A) **Building Requirements For Garbage.** Every building shall be supplied with an approved garbage disposal facility such as a mechanical sink grinder to be located within each dwelling unit or with approved outside garbage can or cans as required by this Code. Such facilities shall be sufficient to meet the needs of the occupants. Outside storage shall be no more than **ten (10) feet** from the building or garage. **(Ord. No. 1247; 01-07-03) (Ord. No. 1192; 04-02-02)**

(B) **Non-residential Structure.** The owner or occupant of a non-residential structure or part thereof shall keep the equipment and fixtures located therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use, operation and maintenance of such equipment and fixtures. **(Ord. No. 1247; 01-07-03)**

29-5-16 FUEL STORAGE TANKS. Above ground fuel storage tanks will be allowed within the corporate limits of the City in areas zoned Conservation, Highway Business and Industrial. The tanks must meet all state and federal requirements for the location, construction and operation of the tanks. **(Ord. #830; 05-02-89)**

ARTICLE VI - NOTICES AND POSTING

29-6-1 NOTICE TO VIOLATOR. Whenever the Officer determines there has been a violation of this Code or has reasonable grounds to believe that a violation has occurred, or whenever the Officer has condemned a structure or equipment under the provisions of this Code, notice shall be given to the owner or the person or persons responsible in the manner as prescribed below. If the Officer has condemned the property or part thereof, he shall give notice to the owner and the occupants of his intent to post the property, to order equipment out of service and that the occupants vacate the premises. Such notice shall:

- (A) Be in writing;
- (B) Include a description of the real estate sufficient for identification;
- (C) Include a statement of the reason or reasons why it is being posted;
- (D) Include a correction order allowing a reasonable time for the repairs and improvements required to bring the structure into compliance with the provisions of this Code and other applicable Codes and ordinances.

29-6-2 SERVICE OF NOTICE. Service of the notice required in the previous section shall be deemed to be properly served upon such owner if a copy is delivered to the owner personally or by leaving a copy of the notice at the usual place of the owner's abode with someone residing there of suitable age and discretion who shall be informed of the contents of the notice. Notice can also be served by certified or registered mail, return receipt requested, addressed to the owner at his last known address. In addition to the forms of service specified above, notice when the structure is condemned must also include posting a copy of the notice in a conspicuous place in or about the structure affected by such notice and at least one publication of such notice in a local newspaper of general circulation within the City.

29-6-3 CONDEMNATION ORDER - VACATION OF PREMISES. When a condemnation order is served on an occupant other than the owner or person responsible for such compliance, a reasonable time to vacate the property after non-compliance shall be allowed and stated in the order. Owners or persons responsible for compliance, however, must vacate at the time set as a deadline for correction of defects if there is a failure of compliance.

29-6-4 PENALTIES FOR NON-COMPLIANCE. Penalties for non-compliance of orders and notices shall be in accordance with **Article VIII** of this Code.

29-6-5 ISSUANCE OF CONDEMNATION NOTICE. When the condemnation notice required under the provisions of this Code has been given and time allowed for repairs has expired without compliance, the Officer shall post on the

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premises or structure or parts thereof, or on defective equipment, a placard bearing the words: "**CONDEMNED AS UNFIT FOR HUMAN OCCUPANCY OR USE**".

A statement of the penalties provided for any occupancy or use or for removing the placard shall be noted on that placard. The owner, or the person or persons responsible for the correction of violations, shall remove himself from the property for his failure to comply with the correction order in the time specified. However, other occupants of the property shall be given a reasonable amount of time thereafter to vacate.

29-6-6 **CONTINUED USE OF STRUCTURE.** Any person who shall occupy a posted premises or structure or part thereof, or shall use posted equipment, and any owner or person responsible for the premises who shall let anyone occupy a posted premises shall be subject to the penalties provided for herein.

29-6-7 **LIFTING CONDEMNATION NOTICE.** The Officer shall remove the condemnation card whenever the defect or defects upon which the condemnation and posting action were based have been eliminated. Any person who defaces or removes a condemnation card without the approval of the Officer shall be subject to the penalties provided for herein.

29-6-8 **EMERGENCY ACTION.** Whenever an Officer finds that an emergency exists on any premises, or in any structure or part thereof, or on any defective equipment which requires immediate action to protect the public's health and safety or the health and safety of the occupants therein, the Officer shall, with proper notice and service in accordance with the provisions stated herein, issue an order reciting the existence of such an emergency and requiring the vacating of the premises or such action taken as the Code Enforcement Officer deems necessary to meet such an emergency. Notwithstanding other provisions of this Code to the contrary, such order shall be effective immediately and the premises or equipment involved shall be posted immediately upon service of the order. A copy of that order shall be delivered to the Mayor and members of the City Council immediately after it is issued.

ARTICLE VII - VEHICLES

29-7-1 JUNK VEHICLE DEFINED. A "junk vehicle" is any vehicle which is without a current valid license plate and/or is in a rusted, wrecked, discharged, dismantled, partly dismantled, inoperative, or abandoned condition. A junk vehicle is also a motor vehicle from which, for a period of at least **seven (7) days**, the engine, wheels, or other parts have been removed or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power. A junk vehicle shall be classified as to its condition in one of the two following categories:

(A) **Restorable.** A junk vehicle that is in a condition whereby repairs to it could be made to place it in operating condition without exceeding its estimated value when repaired. One such restorable vehicle shall be allowed on a lot located in a residential area provided that it is enclosed within a garage structure.

(B) **Wrecked.** A junk vehicle in such a condition that it is economically unsound to restore it to operating condition considering the cost of repairs to be made, age of the vehicle, market value of the vehicle if it were restored or if, in the opinion of the Officer, it is determined that such a classification for the vehicle is warranted. A wrecked vehicle shall not be allowed to remain or be stored on any parcel within a designated residential area.

29-7-2 DECLARED A NUISANCE. All junk vehicles, whether on public or private property and in view of the general public, are hereby declared a nuisance, and any person who violates any provision of this Code pertaining thereto or who fails to obey a notice which states that such person is to dispose of that vehicle under his control shall be subject to the fines and penalties as provided for in **Article VIII** of this Code.

29-7-3 ISSUANCE OF CITATION; EXCEPTIONS. After **ten (10) days** from the issuance of a citation, members of the Police Department may enter upon public or private property and remove any junk vehicle, or parts thereof, for the purpose of disposing of same. The cost(s) for such removal shall be paid by the owner of the property. However, nothing in this Section shall apply to any motor vehicle that is kept within a building, nor does this Section apply to operable historic vehicles over **twenty-five (25) years** of age, or to a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles.

29-7-4 MULTIPLE VEHICLES FOR SALE. The offering of **two (2)** or more motor vehicles for sale at the same time on private property located within a residentially zoned area is prohibited. At no time and under no circumstances is the offering for sale of a junk vehicle or the sale of vehicle parts permitted in open areas on private property unless the property upon which it is situated is licensed by the City to permit such sale. For the purpose of this Section a "For Sale" sign posted upon or

adjacent to a motor vehicle constitutes an offering for sale and is prohibited unless specifically allowed herein.

29-7-5 RESERVED.

29-7-6 ENCLOSURE OF MOTOR VEHICLES. Unless otherwise provided herein, all unregistered, inoperable or junk motor vehicles shall be garaged when in a residential district.

29-7-7 DISMANTLING OF MOTOR VEHICLES PROHIBITED. Unless otherwise provided for herein, no motor vehicle which is in a state of major disassembly, disrepair or which is being stripped or dismantled shall be permitted on any property located within a residential or a non-residential district unless the property is licensed for such use. The major repair or demolition of motor vehicles shall not be permitted in residential areas.

29-7-8 UNLAWFUL PARKING OF VEHICLES. All vehicles parked in a residential district shall be parked on a street, a clearly delineated driveway or within a garage. At no time shall a motor vehicle be parked, stored or in any manner be placed on the front, side or rear yards or otherwise allowed to create a nuisance to adjoining property owners by placing the vehicle in areas other than herein provided.

29-7-9 COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICT. No more than **one (1)** commercial vehicle shall be parked, stored or housed within a residential district. The commercial vehicle parked, stored or housed within a residential district must be owned by or assigned to the owner of the premises where the vehicle is situated and must be located on the owner's lot in the residential district. The vehicle must not exceed **seven (7) feet** in height and shall not be a school bus, tractor, trailer, dump truck, front loader, crane, tow truck or similar vehicle. The commercial vehicle shall be parked to the side or rear of a building so as to be screened from view from the public right-of-way as much as possible. For the purpose of this Section, a commercial vehicle is a vehicle having been issued a "B" or a "D" license plate by the Secretary of State. All other commercial vehicles having greater than a "D" license plate shall not be parked, stored, or housed within a residential district.

29-7-10 RECREATIONAL VEHICLES. The provisions of this Code shall not be construed to amend or alter any provisions contained in other Codes or ordinances regulating the parking and/or storing of recreational vehicles.

29-7-11 APPLICABILITY OF PROVISIONS. The provisions of this Code shall apply to all types of vehicles and towed items.

ARTICLE VIII

VIOLATIONS, PENALTIES AND REMEDIES

29-8-1 **CODE VIOLATIONS.** It shall be unlawful for any person to erect, construct, alter, extend, repair, remove, demolish, use or occupy any structure or equipment regulated by this Code when such conduct is contrary to or in conflict with or in violation of any of the provisions stated herein.

29-8-2 **PENALTY.** Any person, upon conviction of violating any provisions of this Code, shall be fined not less than **Seventy-Five Dollars (\$75.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** for each violation plus attorney's fees and collection costs, if any. The Officer is authorized to issue a citation for each day that a violation continues after due notice has been served and each citation shall be deemed a separate and distinct offense. **(Ord. No. 1457; 09-01-09)**

29-8-3 **NON-COMPLIANCE WITH ORDER.** In case any violation order is not promptly complied with, the Officer may request the City Council to direct the City's legal representative to institute an appropriate action or proceeding in a Court of competent jurisdiction to collect the penalties provided for in **Section 29-8-2** above. Furthermore, subject to the provisions set forth in **Chapter 65, Section 5/11-31-1 of the Illinois Compiled Statutes**, the Officer may ask the City Council to authorize the City's legal representative to proceed at law or in equity against the person responsible for the violation for the purpose of ordering that person:

- (A) to restrain, correct or remove the violation or refrain from any further work at that structures;
- (B) to restrain or correct the erection, installation or alteration of such structures;
- (C) to require the removal of work in violation of any provision of this Code; or
- (D) to prevent the occupation or use of the structure or part thereof erected, constructed, installed or altered in violation of or not in compliance with the provisions of this Code or which is in violation of a plan or specification of which an approval, permit or certificate was issued by the City.

29-8-4 **ACTION BY THE CITY COUNCIL.** Subject to the provisions of **Chapter 65, Section 5/11-31-1 of the Illinois Compiled Statutes**, the Officer may recommend to the City Council that it direct the owner of the premises upon which is located any structure or part thereof, which, in the Officer's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, to raze and remove such a structure or part thereof. Furthermore, the City Council may direct the owner of a

premises to repair, make safe and make sanitary such a structure if it can be repaired or to raze and remove such structure at the owner's option. The City Council may also direct the owner of the premises to demolish a structure where there has been a cessation of normal construction of the structure for a period of more than **two (2) years** and the unfinished structure is so deteriorated that it warrants demolition.

29-8-5 **TIME CONSTRAINTS.** The order from the City Council shall specify a time in which the owner shall comply therewith and specify repairs, if any, to be made. It shall be served on the owner of record, or an agent where an agent is in charge of the building and upon the holder of any encumbrance of record in the manner provided for service of a summons by a Court of record. If the owner or a holder of the encumbrance of record cannot be found, the order may be served by posting it on the main entrance of the building and by publishing it once each week for **three (3) successive weeks** in a newspaper of general circulation within the City.

An extension of time to comply with an order of repair or demolition issued by the City Council may be requested by the owner from the City Council by filing such requests with the City Clerk within **five (5) days** of receipt by the owner of the notice of repair or demolition.

29-8-6 **COMMENCEMENT OF COURT PROCEEDINGS.** In the event the owner of the premises fails or refuses to comply with the order of the City Council, the City Council may direct the City Attorney to commence court proceedings in accordance with **Chapter 65, Section 5/11-31-1 of the Illinois Compiled Statutes** to authorize the demolition or repair of the structure. The requirements and provisions of **Chapter 65, Section 5/11-31-1 of the Illinois Compiled Statutes** are incorporated herein by reference, shall be strictly complied with and shall supersede and take precedence over any provisions of this Code or ordinances which are in conflict therewith.

29-8-7 **SALE OF STRUCTURE AND MATERIALS.** When any structure has been razed and removed, the City Council, or its designated officer under a contract or arrangement for removal, may sell the salvageable and valuable materials at the highest price obtainable. The net proceeds of such a sale, after deducting the expenses of such razing and removal, shall be promptly remitted to the City Clerk with a report of such a sale or transaction, including the items of expense and the amount deducted for the benefit of any person, firm or corporation entitled to reimbursement for such expenses. The report to be submitted shall so state if there are no sale proceeds remaining to be remitted.

ARTICLE IX

APPLICABILITY AND CONSTRUCTION OF THIS CODE

29-9-1 **COMPLIANCE WITH OTHER CODES.** Any repair, alteration or replacement of a structure or structural elements or equipment in a building which may be required by the provisions of this Code shall be done in accordance with the applicable sections of the Building Code, Electrical Code, Plumbing Code or other applicable code or ordinances of the City.

29-9-2 **ABRIDGMENT OF ZONING CODE PROHIBITED.** The provisions of this Code shall not be utilized or construed to permit the abridgment or violation of the City Zoning Code.

29-9-3 **CONFLICT AND PRECEDENCE OF CODE.** Specific provisions of this Code take precedence over and prevail over any other provisions of other codes or ordinances in conflict herewith.

29-9-4 **INTERPRETATION OF CODE.** This Code shall be construed liberally and justly to ensure public health, safety, and welfare insofar as they are affected by the maintenance of structures and premises.

29-9-5 **ENFORCEMENT OF OTHER ORDINANCES.** The provisions of this Code shall not be construed to prevent the enforcement of other codes or ordinances or regulations which prescribe standards other than those provided for herein.

29-9-6 **COMPLIANCE TO EXISTING REMEDIES.** The provisions of this Code shall not be deemed to abolish or impair existing remedies of the City or its officers or agencies relating to the removal or demolition of any building which is deemed to be dangerous, unsafe and unsanitary.

[Unless Otherwise Noted, This Chapter #800; 05-03-88]