

**City of O'Fallon**  
**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING  
ORDINANCE NO. 3302, ADOPTING  
THE 2003 INTERNATIONAL  
PROPERTY MAINTENANCE CODE**

**WHEREAS**, the City of O'Fallon previously adopted through Ordinance No. 3302 the 2003 International Property Maintenance Code; and

**WHEREAS**, at the time of the adoption of the 2003 International Property Maintenance Code of the Property Maintenance Code was amended by way of adoption of Section 6; and

**WHEREAS**, the City has determined it is necessary to amend Section 6 of the adopted 2003 International Property Maintenance Code for the protection of the health, safety and welfare of the residents of the City of O'Fallon.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF O'FALLON, ST. CLAIR COUNTY, ILLINOIS;**

Article 1. Section 6 of the 2003 International Property Maintenance Code as adopted by Ordinance No. 3302 is hereby revoked in its entirety and replaced with the following;

**SECTION 6:**

**6.01 International Property Maintenance Code**

(a) Section 101.1 is hereby amended by substituting "City of O'Fallon, Illinois" for the words "[NAME OF JURISDICTION]";

(b) Section 103 is hereby repealed in its entirety and a new Section 103 is hereby adopted in lieu thereof as follows:

### **“Section 103 Code Official; Fees**

103.1 **General.** The term “department of property maintenance inspection” wherever used in this code shall mean the Code Enforcement Section of the Planning and Zoning Department of the City of O’Fallon, Illinois. The term “code official” as used in this code shall mean the duly appointed Code Official of the City of O’Fallon, Illinois and any designee thereof.

(c) Section 103.5 is hereby repealed in its entirety and fees are adopted per paragraph (a) (viii), under additional regulations.

(d) Section 104.4 is hereby repealed in its entirety.

(e) Section 106.4 is hereby repealed in its entirety and a new Section 106.4 is hereby adopted in lieu thereof as follows:

“106.4 **Penalty for Violation.** Any person who shall violate any of the provisions of this code or shall fail to comply with any lawful order issued pursuant to any section of this code, upon conviction therefore, shall be punished in accordance with the general penalty for violations of ordinances of the City of O’Fallon, Illinois. Each day that such violation or failure to comply continues after issuance of notice by the code official shall constitute a separate offense.”

(f) Section 109.6 is hereby repealed in its entirety.

(g) Sections 110.3 and 110.4 are hereby repealed in their entirety.

(h) Section 111 is hereby repealed in its entirety and a new Section 111 is hereby adopted in lieu thereof as follows:

### **“Section 111 Means of Appeal**

111.1 **Means of Appeal.** Any person affected by a decision of the code official or a notice or order issued under this code shall have the right of appeal to the Builders Grievance Committee, established by Section 121.0 of the Building Code, provided that provisions of this code shall regulate the procedures for such appeals.”

## **6.02 Occupancy Permit and Inspections**

(a) The following additional regulations are hereby adopted as supplementary and in addition to the requirements of the Property Maintenance Code and are hereby incorporated as if fully set forth therein.

(i) **Permit Required.** It shall be unlawful for the owner of a parcel of real estate on which a residential or non residential structure is situated, to

occupy the structure or permit the occupancy of the structure by any person for more than thirty-seven (37) days without obtaining an Occupancy Permit issued by the Code Official. Further, the owner shall not occupy or allow the occupancy of any existing residential or non-residential/commercial structure, if the Occupancy Permit thereto has been revoked.

Once an Occupancy Permit is issued it shall thereafter be unlawful for the owner to change or allow change of occupancy of the residential or non residential/commercial structure without obtaining an Occupancy Permit within the time guidelines set forth in Section 6(a)(1).

For purpose of this Section 6, “owner” is defined as the person or entity maintaining fee simple title to the real estate on which the structure is located at the time of transfer of the title to the real estate to the transferee or at the time of change in occupancy of the structure situated on the real estate.

For purposes of this Section 6, the term “change in occupancy” shall mean a change in possession of a residential or nonresidential structure by way of rental, leasehold, ownership, or other manner of tenancy.

A Certificate of Occupancy issued for new or renovated structures by the code official under section 118.0 of the Building Code shall be considered and is expressly distinguished from the Occupancy Permit required pursuant to this Section 6.02(a)(i)). However, such Certificate of Occupancy may be honored as an alternative to the Occupancy Permit required by Section 6.02(a)(i) and this code, provided the subject structure otherwise complies with the standards and requirements of this code. In the absence of such compliance, any building permit fees paid to the City shall be counted toward the fee required for the Occupancy Permit under the Property Maintenance Code.

**EXCEPTIONS:** The provisions of Section 6.02 (a)(i) shall not be applicable in the following instances:

- A. To the change in ownership of a structure containing a dwelling unit when the change in ownership is between immediate-family members and if there is no change in occupancy;
- B. To the change in occupancy or ownership of a residential or non-residential/commercial structure within twenty four (24) months from the date of the last issue of the Occupancy Permit herein required, but not at a longer interval as required by other sections of this code, provided there is no just cause for re-inspection of the premises;

- C. To a change in ownership when the new purchaser/transferee within seven (7) days from date of purchase or transfer, delivers a notarized statement to the code official stating that the purchaser/transferee will cause the structure to be demolished within six (6) months from the date of purchase.
- D. To the change of ownership or occupancy of a residential structure within thirty six (36) months from the date of issue of a Certificate of Occupancy for new construction.

(ii) **Change in Dwelling Unit Occupancy.** Whenever a change in occupancy occurs in any structure containing a dwelling unit, an application for Occupancy Permit shall be made by the owner thereof or by his agent and filed with the code official.

(iv) **By Whom Application Made.** Application for the Occupancy Permit required by the Property Maintenance Code shall be made by the owner of the structure or by his agent. Any application submitted by a person other than the fee owner shall be accompanied by a signed statement of authorization from the fee owner. The application shall contain the full name and address of the owner or the names and addresses of the responsible officers if the owner is other than a natural person, and the name and address of the applicant.

The application for such Occupancy Permit shall be submitted in such form as the code official prescribes and shall be filed with the Code Enforcement Section of the Planning & Zoning Department:

- A. In the case of a change of ownership, irrespective of tenancy, at least seven days before the date of transfer of title.
- B. In the case of a change of renter or lessee, within seven days (one week) from the date of occupancy by the tenants thereof.

(v) **Action on Application; Permit Contents.** The code official shall examine or cause to be examined all applications for an Occupancy Permit and shall inspect or cause to be inspected, the structure which is the subject of the application within thirty (30) days after filing. If the application and the structure conform to the requirements of all pertinent laws of the City, the code official shall issue the Occupancy Permit within the same thirty (30) day period. The Occupancy Permit shall certify that the structure complies with the provisions of this code and shall additionally set forth the use, street address or other means of identification, date of issuance, and such other information as the code

official shall deem appropriate for the implementation of this code. Occupancy Permits for residential structures shall additionally state the maximum number of occupants permitted.

(vi) **Scheduling of Regular Inspections; Utility Services.** Regular inspections and regular re-inspections shall be scheduled for normal work days of the City. Appointments for inspection and/or re-inspection shall be made for time(s) of mutual convenience of the applicant and the code official whenever possible and within the time frames specified in Section 6(a)(i), above. It shall be the responsibility of the owner or the owner's agent or tenant to provide access to the residential or nonresidential structure(s) within seven (7) days from the date of request by the City for gain of entry and free access.

Water and electric utility services connections, and gas utility service connection, if applicable, shall be in service at the time scheduled for inspection and re-inspection. Water service through the City of O'Fallon and authorization to have electric service activated by that service provider will not be authorized until application is made, when required, for an Occupancy Permit and has been filed with the Code Official.

(vii) **Existing Buildings.** Any structures inspected under this Property Maintenance Code will not be subject to the requirements of the Building Code or Residential Code, unless the building is also subject to new construction, alteration, addition, or relocation requirements, and then only the portion that is affected by that work. The legal occupancy of any structure existing on the date of adoption of this code, or for which it has been heretofore approved shall be permitted to continue without change, except as is otherwise specifically covered in this property maintenance code, the building code, or fire prevention codes or presents a threat to the life, health and safety of the occupants.

(viii) **Fees.** Fee(s) for a Occupancy Permit shall be paid to the City Clerk at the rate or rates established by written order or resolution of the City Council.

### **6.03 Residential Occupancy Permit Requirements:**

- (a) The following additional regulations and standards are hereby adopted for residential units as supplementary and in addition to the requirements of the Property Maintenance Code and are hereby incorporated as if fully set forth therein:
  - (i) Existing receptacles in the following locations shall have GFCI protection pursuant to Section E3802 of the 2003 International Residential Code:
    - a. Toilet and bathrooms

- b. Garages
  - c. Outdoor receptacles
  - d. Kitchen and bar sink receptacles that serve countertop surfaces
  - e. Unfinished basement receptacles
  - f. Hydro massage bathtubs
  - g. Crawl space receptacles
  - h.
- (ii) The garage shall be separated from the residence and its attic by the following means:
- a. the garage shall be separated from the residence and its attic area by means of a minimum of ½ inch gypsum board applied to the garage side.
  - b. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with either solid wood door not less than 13/8 inch in thickness, 20 minute fire rated doors or metal insulated doors.
  - c.
- (iii) Each gas appliance shall be provided with a shutoff valve separate from the appliance. The shutoff valve shall be located in the same room as the appliance, not further than 6-feet from the appliance or within reasonable proximity, and installed upstream from the union, connector, or quick disconnect device it serves.
- (iv) Swimming pools must comply with the safety regulations of Appendix G of the 2003 International Residential Code
- (v) Provide access to and allow for removal or cause to be removed all electric service panel covers for inspection of inside service panel.
- (vi) Provide Carbon Monoxide Detectors in all residential occupancies, pursuant to the requirements set forth in the Illinois Carbon Monoxide Detector Act

#### **6.04 Non-Residential/Commercial Occupancy Permit Requirements:**

- a) The following additional regulations and standards are hereby adopted for non-residential/commercial structures as supplementary and in addition to the requirements of the Property Maintenance Code and are hereby incorporated as if fully set forth therein:
- (i) Annual inspections shall be required on all non-residential/commercial structures or premises of the following types and uses:

- (a) A principal non-residential/commercial structure that contains a residential occupancy, such as apartments, that constitutes an accessory use to the structure. The residential portion of that structure shall be only inspected under the guidelines for residential occupancy and related exceptions.
- (b) All structures in the R1 Use Group as defined in the Building Code, i.e.: hotels, motels, bed and breakfast and boarding houses.
- (c) All structures in the A-1 Use Group as defined in the Building Code, i.e.: theaters
- (d) All structures in the A-3 Use Group as defined in the Building Code, i.e.: bowling alleys, churches, community halls, dance halls, etc.
- (e) Any other structure within the Assembly Group as defined in the Building Code, which in the determination of the Code Official presents a potential public safety hazard to the occupants.
- (f) All structures having automatic fire suppression systems, including fire suppression cooking hood systems.
- (g) All structures and facilities used for child care and having an average daily attendance of eight or more children.
- (h) Any structure in the H (hazardous) Use Group as defined by the Building Code.

(b) Commercial buildings required to have a fire alarm system either by code requirements or by agreement with the Code Official or Fire Department as a condition of occupancy must have those systems monitored by an approved central station alarm company or proprietary supervising station.

The building owner and/or occupant must notify the Planning and Zoning Dept. of the central station alarm company or proprietary supervising station contracted to monitor the system. This notification must be done on an annual basis. Owner/occupant must immediately notify the Planning and Zoning Dept. of any change in status of the alarm, the central service company or proprietary supervising station, discontinuance of service, or for any other reason that may render the alarm inoperable.

(c) Commercial parking lot striping and signage shall be maintained for compliance with the Illinois Accessibility Code

This ordinance shall be in full force and effect from and after its passage and approval and its

