

**AN ORDINANCE AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF PEORIA
PERTAINING TO THE INSPECTION OF DWELLINGS**

WHEREAS, the City Council is a home rule unit of government pursuant to Article VII, Section 6 of the Constitution of the State of Illinois 1970, and may exercise any power and perform any function pertaining to its government and affairs; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, as follows:

SECTION 1. Chapter 5 of the Code of the City of Peoria is hereby amended by deleting the following stricken words and by adding the following underlined words:

ARTICLE XIV. - INSPECTION OF DWELLINGS

Footnotes:

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Editor's note— Ord. No. 15736, § 1, adopted Jan. 18, 2005, amended Art. XIV in its entirety to read as set out herein. The former Art. XIV, §§ 5-531—5-544, pertained to similar subject matter and derived from Ord. No. 13913, § 1, adopted March 28, 1995, as amended.

Sec. 5-531. - General.

- (a) Every dwelling, built prior to 1961, along with all accessory structures located upon the same lot or a contiguous lot, which is required to be registered under section 5-521 of article XIII shall be inspected systemically for compliance with this article. Systematic inspections of dwellings shall consist of both exterior and interior inspections. Exterior inspections shall include the dwelling and any accessory structures, and any environmental violations of chapter 13 of the Code of the City of Peoria. Interior inspections, however, shall be limited to the following health and life-threatening violations:

HEALTH AND LIFE-THREATENING
VIOLATIONS

- (1) *Smoke detectors.*
- a. One or two units do not have battery-operated smoke detectors, located by bedrooms, mounted on the ceiling or not more than six inches from the ceiling or wall per the manufacturer's instructions.
 - b. Three or more units do not have required hard-wire smoke detectors.
- (2) *Railings, balusters, and steps.*
- a. Open steps lack required handrails and balusters.
- (3) *Water heaters .*
- a. The water heater is not operable nor properly installed.
 - b. The water heater lacks an approved combination 150# - 210 degree temperature and pressure relief valve.
 - c. The gas water heater lacks an approved gas shut-off valve.
 - d. The gas water heater exhaust is not properly vented.
 - e. The water heater exhaust vent is rusted, has holes and/or is not installed according to codes.

- f. The gas burning water heater is located in a bedroom, bathroom, or kitchen.
- g. Copper gas connection pipe is brazed or has flared joints
- h. Gas fired water heater does not have a draft diverter.
- i. Water heater does not have a cold water shut-off within five feet of heater.

(4) *Heating facilities problems .*

- a. Heating facilities are not present, approved, and in safe, operable condition.
- b. There is a positive catch on the furnace door.
- c. The furnace limit control is damaged/inoperable.
- d. The furnace lacks a draft diverter.
- e. The furnace draft vent is not sealed into the chimney.
- f. There are non-approved gas space heaters in the dwelling.
- g. The furnace is located in a room used for sleeping purposes.
- h. The furnace location does not have proper combustion, dilution and ventilation air.
- i. Gas piping does not have proper shut off, drip leg or materials.
- j. Vent or vent connector does not have proper clearance to combustibles.
- k. Return air is being taken from furnace location.
- l. Chimney has crumbling mortar, loose or missing bricks.
- m. Chimney vent does not properly vent appliance.

(5) *Supplied facilities.*

- a. The water supply lines are leaking in the basement.
- b. The water supply service is turned off or disconnected or inoperable.
- c. The dwelling unit is not supplied with potable water.
- d. The plumbing fixtures are not supplied with hot and cold running water necessary for normal operation.
- e. There are openings and holes in the sewer drain pipes.
- f. The sewer drain pipes are blocked.
- g. There are open gas lines without gas shutoff valves or plugs in them.
- h. The gas supply service is turned off or disconnected or inoperable.

(6) *Electrical.*

- a. The electric service does not adequately supply the electric needs for the dwelling.
- b. The electric service panel is overfused.
- c. The electric service is not grounded to the water system.
- d. The electric service panel has fused neutrals.
- e. The electric service panel lacks approved coverplate or door.
- f. There is exposed knob and tube wiring in the basement.
- g. Loose, dangling, improperly installed romex wiring is present.
- h. Coverplates are missing for the junction boxes.

- i. Coverplates are missing for the electric outlets and/or switches.
 - j. Wire splices, electric outlets, ceiling lights are not installed in junction boxes.
 - k. The electric service is disconnected or inoperable.
 - l. There are illegal soft wire extension cords used for wiring.
- (7) *Kitchen.*
- a. The sink is not connected to a water supply system.
 - b. The sink is not connected to a sewerage system.
 - c. The sink is missing or inoperable.
- (8) *Bathroom—Water closet*
- a. The flush valve assembly is leaking.
 - b. The toilet tank top is cracked, broken, or missing.
 - c. The toilet is inoperable or missing.
- (9) *Bathroom—Lavatory basin.*
- a. The lavatory is missing or inoperable.
 - b. The lavatory is soiled and not cleanable.
 - c. The lavatory is not connected to the water supply system.
 - d. The lavatory waste drain is corroded, leaking, or is repaired with improper materials.
- (10) *Bathroom—Bathtub/shower.*
- a. The bathtub/shower is missing or inoperable.
 - b. The bathtub/shower is soiled and not cleanable.
 - c. The bathtub/shower is not connected to the water supply system.
 - d. The bathtub/shower is not connected to the plumbing and sewerage system.
 - e. The bathtub/shower sewer waste drain is corroded, leaking, or is repaired with improper material.
- (11) *Habitable rooms—Electric service outlets.*
- a. The electric light fixture is broken, shorted out, lacks a cover plate, is not installed on a junction box and is unsafe.
 - b. There are unapproved soft wire extension cords being used for wiring.
 - c. There are unapproved soft wire pendant lights.
- (12) *Exits.*
- a. The dwelling does not have dual means of exit per code and in multiple dwellings of three stories or more, does not have immediate access from doorway to two or more approved passageways.
 - b. Each sleeping room does not meet the requirement of having at least one outside window accessible to rescue operations.
 - c. All required outside windows and doors operable from the inside without the use of tools do not meet the following requirements:
 - 1. Provides a clear opening of not less than 20 inches in width, 24 inches in height, and 5.7 square feet in area, and the bottom of the opening shall not be more than 44 inches off the floor.

2. Such means of escape shall be acceptable if the window is within 20 feet of grade, or the window is directly accessible to fire department rescue apparatus as approved by the fire marshal, or the window or door opens onto an exterior balcony.
- d. Any required window above grade is boarded, covered or secured which would prevent exit in case of an emergency.
- e. Any exit way is not free of debris as to allow free passage in or out of exits.
- f. Doors have double-keyed locks and do not have thumb latch or simple opening devices, knobs or handles as to permit obvious operation, even in darkness.

(13) *General.*

- a. Parts of the building (foundation, floor, exterior and interior wall, ceiling, inside and outside stair, porch) are not capable of supporting the loads reasonably and normally placed thereon.
- b. Debris is stored around furnace or hot water heater.
- c. The dwelling unit has been designated as unfit for human habitation.
- d. The dwelling unit or common areas are not free from vermin, insect, and rodent infestation.

(14) *Over occupancy.*

- a. There are more than three unrelated persons living together in a dwelling unit without administrative or council approval for group occupancy, pursuant to Appendix B of the Zoning Ordinance.
- b. The occupancy of the dwelling units exceeds the maximum density, minimum space, use and location requirements of section 5-271 of Article 6 of this chapter.

- (b) The provisions of this section shall not apply to the following: hotels, motels, hospitals, and units of local government or other governmental agencies not subject to the housing code, building code, or zoning ordinance of the City of Peoria, owners who occupy single-family residences, duplexes and purchaser(s) pursuant to a contract for deed who occupy a single-family residence and the contract is duly recorded in the Office of Recorder of Deeds of Peoria County and owners of unoccupied residential property who have filed a signed affidavit with the department of inspections affirming that the property is not occupied and no exterior violations exist. This affidavit must be renewed every six months. This exemption shall only be available to an owner for a 12-month period.
- (c) When a nonresidential business or activity, or a state or federally licensed and inspected use occupies a portion of a building or premises which would otherwise be subject to this section, the provisions of this section shall be applicable to the residential and common or public areas of such building or premises.

(Ord. No. 15736, § 1, 1-18-05)

Sec. 5-532. - Frequency of inspections.

- (a) All dwellings constructed prior to 1961 subject to this article shall not be inspected more frequently than once every three years unless a complaint is received concerning said property. All dwellings constructed prior to 1961 subject to this article shall be inspected at least once every seven years. ~~In addition, all dwellings subject to this registration requirement set forth in Article XIII (regardless of year built) shall be inspected by the landlord and tenant prior to the time at which the tenant moves in and at least once a year. The landlord and tenant shall review the property using a form provided by the director of community development and said form shall be filled out and signed by both the landlord and the tenant.~~ In cases where an authorized agent other than the owner has been designated to receive notices of code violations pursuant to section 5-521, written notice of the date of the inspection shall be given to the agent and dwelling occupant at least 15 days prior to the date of the inspection. Otherwise, written notice of the date of inspection shall be given to the owner of the property as defined

under section 5-520 and the dwelling unit occupant 15 days prior to the date of its inspection. Said notice shall advise the owner or authorized agent and occupant of the inspection, his/her right to refuse inspection of the dwelling unit, and the city's right to seek issuance of an administrative search warrant in the event of any such refusal. No inspection of an occupied dwelling shall occur without the consent of the tenant/occupant unless an administrative search warrant is obtained. It shall be the responsibility of the owner or the designated agent or the occupant to be present at the dwelling unit on the date and time of inspection to provide access for inspection. Property owners wishing to deny access to their property and wishing to have the city obtain an administrative search warrant shall provide the following to the city in writing for each property: (1) owner name and address (agent if applicable) and; (2) property address and tax identification number. The city will recognize and record these denials for access when the above information is provided for each property. An owner's denial of access shall not preclude a tenant from granting access.

- (b) Nothing in this section shall preclude the inspection of any premises subject to this article more frequently than set forth in paragraph (a) above; provided, however, that any inspection more frequent than set forth in paragraph (a) above, shall be based upon a citizen complaint or other indicia that is more probable than not that a housing violation exists.
- (c) In addition to the inspection pursuant to section 5-531(a), owners, with the consent of tenants/occupants, may request a full minimum housing code inspection pursuant to sections 5-165 through 5-271 hereunder for their rental properties. If, after inspection, the property is found to be in compliance with the full minimum housing code, photographs shall be taken by the inspector to verify that the property meets the minimum housing code. These pictures and the testimony of the inspector may be utilized by the landlord against any tenant who destroys or damages the landlord's rental property.
- (d) When a rental property becomes vacant, the owner may request, for his/her convenience, that the inspection pursuant to section 5-53(a) be performed during the vacancy. The city shall make every reasonable effort to comply with the request and perform said inspection during the vacancy. If the city is unable to perform the inspection during said vacancy, then the property remains subject to the inspection as set forth in this article.
- (e) On a quarterly basis, a listing will be published of all properties that have passed the inspection pursuant to section 5-531(a). The listing will be made available by the department of inspections.
- (f) A property owner desiring to notify the city that access is denied, prior to a request for an inspection, may do so by advising the city in writing that they wish to deny access to their property and require the city to obtain an administrative search warrant. Said notice should be in writing and should contain the following information: (1) owner name and address (agent if applicable); and (2) property address and tax identification number. An owner's denial of access shall not preclude a tenant from granting access.

(g) In addition, all dwellings subject to this registration requirement set forth in Article XIII (regardless of year built) shall be inspected by the landlord/property owner and tenant prior to the time at which the tenant moves in and at least once a year. The landlord/property owner and tenant shall review the property using the form provide by the City of Peoria and said form shall be completed and signed by both the landlord/property owner and tenant. The form must be provided to the City of Peoria annually as part of the annual registration process as defined by this Chapter. The most current copy of the form must be submitted with the registration. Property owners are required to disclose to the current tenant and any future/prospective tenants if they have a current administrative hearing office case for Chapter 5 violations, if they have been convicted of criminal housing management or had any Chapter 5 cases in the last twelve months that resulted in a fine. In addition to inspecting all items on the form an ensuring all issues are in compliance, all other information must be filled out completely. Property owners are required to provide tenants with a tenant right and responsibility form created by the City of Peoria as part of the Self-Inspection process.

The city will make every reasonable effort to recognize any other constitutionally recognized method of refusing access to a building, but will recognize denials for access when the above information is provided for each property.

(Ord. No. 15736, § 1, 1-18-05; Ord. No. 16401, § 6, 2-24-09; Ord. No. 17322, § 1, 2-9-16)

Sec. 5-533. - Inspection certificate required.

No person shall allow the occupancy of a dwelling subject to this article without having a valid, current certificate of inspection for that dwelling.

Proof of registration of a lot under Article XIII shall constitute a temporary certificate of inspection and shall authorize the owner to rent such dwelling unit until the initial inspection is performed pursuant to section 5-532; provided, however, that a registration renewal will supersede a pending violation of this Article XIV.

(Ord. No. 15736, § 1, 1-18-05; Ord. No. 16401, § 7, 2-24-09)

Sec. 5-534. - Inspection procedure.

- (a) If, upon completion of the triennial inspection, the premises are found to be in compliance with all applicable city codes or ordinances and other applicable laws, the property registration statement is on file with the city and the appropriate registration and inspection fees have been paid to the city, the city shall issue a certificate of inspection for the dwelling.
- (b) If, upon completion of the inspection, the dwelling is found to have one or more health or life-threatening violations, or exterior housing code or environmental violations, the city shall provide written notice of such violations to the designated agent or to the owner where the owner and designated agent are the same person. When such violations have been corrected, the city shall issue a certificate of inspection for the premises. The city shall not issue the certificate of inspection and may take any action necessary to enforce compliance with applicable city codes and ordinances until the violations are corrected. During the period between the initial inspection and the issuance of the certificate of inspection, the owner may continue to rent such premises unless the violations are so serious as to threaten the health or safety of the occupants.
- (c) If violations exist, the city shall commence administrative hearing proceedings not less than 30 and no more than 90 days after the violation is reported by the code enforcement inspector.
- (d) Inspections required by the tenant and landlord prior to tenant occupancy or annually will be documented on the inspection form provided by the director of inspections. This inspection will consist of such portions of the interior health and life-threatening violations listed in section 5-531 as the director of inspections deems appropriate, and which are listed on the form. Additional information will include the legal number of occupants allowed by City of Peoria Code, number of bedrooms, name of tenant on the lease, tenant's drivers license number or form of identification and date and signature of tenant and landlord. This inspection form will be the responsibility of the landlord to maintain and made readily available at the request of the city. Failure to provide the inspection form at the request of the city will result in a fine of not less than \$200.00 nor more than \$500.00.

(Ord. No. 15736, § 1, 1-18-05; Ord. No. 16401, § 8, 2-24-09)

Sec. 5-535. - Certificate expiration.

- (a) The certificate of inspection issued pursuant to this division shall expire three years from the date of the inspection, provided, however, that if a reinspection of the premises has not been completed prior to the expiration of the certificate of inspection, the dwelling covered by the certificate may continue to

be rented and occupied until the reinspection is completed and a new certificate of inspection is either issued or denied.

- (b) The certificate of inspection shall have the expiration date prominently displayed on its face.

(Ord. No. 15736, § 1, 1-18-05; Ord. No. 16401, § 9, 2-24-09)

Sec. 5-536. - Fee schedule.

The following fee schedule is imposed in connection with the inspection and reinspection of a dwelling or dwellings:

- (1) Initial inspection and the first reinspection fees are waived
Reinspection Fee
- (2) When any subsequent reinspection is required an additional \$100.00 reinspection fee will be charged for each unit that is reinspected.
- (3) For the purposes of this subsection, dwelling unit shall mean a single unit providing complete independent living facilities for one or more persons including permanent provision for living, sleeping, eating, cooking and sanitation.
- (4) The owner as defined under section 5-520 of Article XIII shall be responsible for payment of the inspection fee(s) hereunder.

(Ord. No. 15736, § 1, 1-18-05; Ord. No. 16401, § 10, 2-24-09)

Sec. 5-537. - Certificate availability.

Upon request of an existing or prospective tenant, the owner or designated agent shall produce the certificate of inspection.

(Ord. No. 15736, § 1, 1-18-05)

Sec. 5-538. - Suspension or revocation of certification.

If the director of inspections or his designee determines that any applicable city code or ordinance has been violated after notice of such violation(s) has been given and the time allowed to correct any such violation under section 5-534 has expired, he/she may suspend or revoke the certificate of inspection. In addition, the director shall have the authority to suspend or revoke a certificate of inspection in the event that the owner fails to register the dwelling as required under section 5-521 and 5-523 of Article XIII.

(Ord. No. 15736, § 1, 1-18-05)

Sec. 5-539. - Penalties.

- (a) It shall be unlawful for any person to occupy, lease or cause to be leased any dwelling without the certificate of inspection required under section 5-533. Each day that any dwelling does not have the certificate of inspection required hereunder shall constitute a separate and distinct violation.
- (b) Any person committing a violation under section 5-533 of this chapter, shall, upon conviction thereof, be fined not less than \$100.00 nor more than \$500.00 for each day that said violation is proven to exist.

(Ord. No. 15736, § 1, 1-18-05)

Sec. 5-540. - Appeal process.

Any owner or other person aggrieved by any action taken by the city pursuant to this Article XIV may request a review by or may make an appeal to the administrative hearing officer. Upon receipt of the request or appeal, hearing officer shall hear and consider the matter. The owners shall have the right to appear and be represented by counsel. The hearing shall be held within 45 days after a request is received by the administrative hearing officer.

(Ord. No. 15736, § 1, 1-18-05; Ord. No. 16401, § 11, 2-24-09)

Sec. 5-541. - Filing of decision with director of inspections, copy to be sent to appellant.

Every decision of the administrative hearing officer shall be promptly filed in the department of inspections. A copy of the decision shall be sent by mail or otherwise to the person appealing.

(Ord. No. 15736, § 1, 1-18-05; Ord. No. 16401, § 12, 2-24-09)

Sec. 5-542. - Proceedings to be public records

The proceedings at the hearings held pursuant to this article, including the findings and decision of the hearing officer and the reasons there for, shall be summarized and reduced to writing and entered as a matter of public record in the legal department. The record shall also include a copy of every notice and order issued in connection with the matter.

(Ord. No. 15736, § 1, 1-18-05; Ord. No. 16401, § 13, 2-24-09)

Sec. 5-543. - Other actions.

Nothing in this article shall prevent the city from taking action under any applicable city code or ordinance for any violation thereof or limit the right or authority of the city to seek injunctive relief or other appropriate legal remedy for any violation of such code or ordinance.

(Ord. No. 15736, § 1, 1-18-05)

Sec. 5-544. - Severability.

If any provision of this ordinance shall be held invalid, its invalidity shall not affect any other provisions of this article that can be given effect without the invalid provision, and for this purpose the provisions of this article are hereby declared to be serviceable.

(Ord. No. 15736, § 1, 1-18-05)

SECTION 2. This Ordinance shall be in effect on the 31st day of December, 2018 after its passage and publication in pamphlet form.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS this _____ day of _____, 2018.

APPROVED.

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel

