

ORDINANCE 17,322

AN ORDINANCE AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF PEORIA PERTAINING TO FINES for WORKING WITHOUT A BUILDING PERMIT and SELF-INSPECTION FORMS..

WHEREAS, the City of Peoria, Illinois is a home rule municipality pursuant to Article VII, Section 6 of the Illinois Constitution of 1970; and

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

Section 1. There shall be added to the Code of the City of Peoria the following underlined words and deleting the following stricken words in Chapter 5 of the Code of the City of Peoria pertaining to FINES for WORKING WITHOUT A BUILDING PERMIT and SELF-INSPECTION FORMS.

ARTICLE I. - IN GENERAL

Sec. 5-27. - Enforcement of building code permit and license requirements.

- (a) Compliance required; penalty. It shall be a violation of the provisions of this chapter for any person to initiate any activity which under the provisions of this chapter requires the obtaining of a permit or license before starting such activity. The City may elect to enforce this penalty on the property owner, the contractor, the permit applicant or the person or entity doing the work. The penalty for such violation shall be a fine of not less than \$100.00 for the first offense, not less than \$300.00 for the second offense, and not less than \$500.00 for third or subsequent offense within any two-year period. If a person or entity is found to be in violation of this section more than three (3) times within a two-year period, they will not be allowed to pull permits in the City of Peoria for a 12 month period. If they are a licensed contractor as defined by this chapter, this license will be revoked. After the 12 month period, a person or entity must pay a \$200 reinstatement fee and not owe the City of Peoria any money. A person or entity can petition the City of Peoria to reduce the 12 month period and a hearing will occur in front of the Administrative Hearing Officer as defined in Chapter 32. A petition fee of \$300 will apply. ~~The penalty for such violation shall be that which is provided in section 1-5 of this Code.~~
- (b) Notice to comply; form; service. The code official or his/her designate is hereby authorized and empowered to notify the owner or person in control of such activity for which a permit or license is required within the provisions of this chapter within the city, or the agent of such owner or person in control, to comply with the provisions of this chapter. Such notice may be incorporated in a standard form complaint which may be served by personal delivery of a copy of the complaint addressed to such individual owner or person in control at his last known address or ~~certified or registered~~ mailing of a copy of the complaint addressed to the owner, agent or person in control at his last known address. Personal service shall be by the code official, any authorized inspector, police officer of the police department or any person authorized by law to make personal service. If service cannot be delivered, the City may post the complaint at the site that the illegal work was occurring.

Sec. 5-127. - Penalty.

Where no other specific penalty is set forth in this chapter, any person who shall violate any provision hereof or any code adopted herein, or shall fail to comply with any of the requirements thereof including failure to comply with a stopwork order, or who shall erect, construct, alter or repair a building or structure in violation of an approved plan, the code requirements as stated in this chapter or directive of the code

official, or of a permit or certificate issued under the provisions of this chapter for a new commercial or residential construction or an addition to residential or commercial structure, shall upon conviction be punished by a fine of not less than \$500.00 nor more than \$2,500.00; ~~provided however, that if the premises and work in question is eligible for a construction permit and such a permit is obtained within 30 days of the issuance of the ticket, then the fine shall be not less than \$100.00 and not more than \$1,000.00.~~ For all other offenses where no specific penalty is set forth in this chapter, any person who has been convicted shall be punished by a fine as provided in section 1-5 of this Code. The levying of a fine shall be in addition to any further action which the code official may take to bring the building or structure into compliance.

(Code 1957, § 8-4; Ord. No. 13948, § 1, 6-13-95; Ord. No. 14471, § 1, 3-24-98; Ord. No. 16944, § 1, 3-12-13)

Sec. 5-128. - Building official.

Whenever the term "building or code official" is used in this chapter or in any code adopted pursuant to section 5-121 the phrase shall mean the Director of the Community Development Department. Whenever the Director of the Community Development Department shall be absent from the city, he shall designate a member of his staff to act in his stead. ~~Whenever the term "building or code official" is used in this chapter or in any code adopted pursuant to section 5-121 the phrase shall mean the manager of building inspections. Whenever the manager of building inspections shall be absent from the city, he shall designate a member of his staff to act in his stead.~~

(Code 1957, § 8-1.01; Ord. No. 13948, § 1, 6-13-95; Ord. No. 14471, § 1, 3-24-98)

Sec. 5-129. - Code reference.

Where a subject is not clearly addressed in the One and Two Family Dwelling Code, or not addressed at all, the current ICCBOCA National Building Code adopted by the city shall be used for code reference.

(Ord. No. 13948, § 1, 6-13-95; Ord. No. 14471, § 1, 3-24-98)

Sec. 5-161. - Penalty.

- (a) No person shall place or install or cause or permit to be installed in any building any wiring apparatus or fixtures for the use of electricity, or shall make or cause to be made any alteration or change in, or additions to any wiring apparatus or fixtures without first having obtained a permit for the same as required by this article. No permit shall subsequently be issued for any such change or installation, and no inspection of the same shall be made until double the amount of fees otherwise provided by ordinance are paid for such permit and inspection. The payment of the double fee, however, will not relieve the person from other penalties for violation of this code.
- (b) Failure or refusal to comply with the order of the building inspections division shall constitute a violation of this code. Such violation shall subject the person in charge of the premises to the punishment provided for in section ~~5-1274-5~~ of this Code, and each day such wiring is permitted to remain unchanged or unaltered after the expiration of the time given in such written notice shall constitute a separate offense.

~~A certificate of registration or license issued by the building inspections division shall not be loaned, rented, assigned or transferred. Each and every certificate of registration or license may, after hearing, be suspended or revoked upon recommendation of the construction commission upon failure or refusal of the electrical contractor to comply with the rules and requirements of the code official or his designate.~~

(Code 1957, § 8-209; Ord. No. 13948, § 1, 6-13-95; Ord. No. 15526, § 1, 9-9-03)

Sec. 5-225. - Transferring, loaning, etc.; suspension or revocation of registration or license certificate.

~~A certificate of registration or license issued by the building inspections division shall not be loaned, rented, assigned or transferred. Each and every certificate of registration or license may, after hearing, be suspended or upon failure or refusal of the HVAC contractor to comply with the rules and requirements of the code official or his designate. . The Building Official may revoke a license of an applicant in cases where fraud has occurred or gross misconduct of the applicant. The Building Official's decision may be appealed to the Construction Commission. An appeal fee of \$100 will be charged. A certificate of registration or license issued by the building inspections division shall not be loaned, rented, assigned or transferred. Each and every certificate registration or license may, after hearing, be suspended or revoked upon recommendation of the construction commission upon failure or refusal of the HVAC contractor to comply with the rules and requirements of the code official or his designate.~~

(Ord. No. 15526, § 1, 9-9-03)

Sec. 5-263. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. These definitions are in addition to the definitions of the 2003 International Property Maintenance Code.

Accessory structure means a detached structure which is not used or not intended to be used for habitation.

Central heating system means a single system supplying heat to one or more dwelling units or more than one rooming unit.

Code official means the director of ~~inspections~~ Community Development or his/her designee.

Commission means the housing property maintenance commission of the city.

Dilapidated means fallen into ruin, decay or disrepair in excess of ten percent of the structure.

Dormitory means a building or part of a building which is owned, managed, leased or operated, directly or indirectly, by an institution and containing a room or rooms forming one or more habitable units which are used for or intended to be used by occupants of the institution for living and sleeping, but not for cooking.

Dwelling shall mean an enclosed space which is wholly or partially habitable by human occupants, and is used or intended to be used for living, sleeping, cooking and eating; provided that temporary housing is not a dwelling.

Family consists of one or more person each related to the other by blood, marriage, or adoption (including foster children), together with such relatives of the respective spouses who are living with the family in a single dwelling and maintaining a common household. A family may also be composed of not to exceed three persons not so related, provided that such unrelated persons live in a single dwelling and maintain a common household and a single housekeeping unit. A family includes any domestic servants and not more than one gratuitous guest residing with said family; such servants or guest shall be included in the unrelated person attained by this definition, and shall not be in addition thereto.

Sec. 5-404. - Notice of unsafe condition of buildings; means of service.

- (a) When a building or structure within the city is found to be a "dangerous building" or contains an unsafe condition, an inspector for the building inspections division and/or code enforcement division shall

repeated on next page

Sec. 5-404. - Notice of unsafe condition of buildings; means of service.

- (a) When a building or structure within the city is found to be a "dangerous building" or contains an unsafe condition, an inspector for the building inspections division and/or code enforcement division shall issue and serve a notice thereof upon all owners of record or persons having an interest therein as shown by documents recorded in the office of the county recorder of deeds and upon persons in apparent possession of the premises. The code official may require a property owner or contractor to provide a structural engineer report to determine the integrity of a building. The property owner will be required to pay for such report by a licensed structural engineer.

Sec. 5-532. - Frequency of inspections.

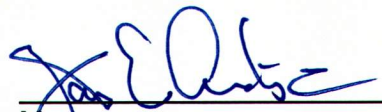
- (a) All dwellings constructed prior to 1961 subject to this article shall not be inspected more frequently than once every three years unless a complaint is received concerning said property. All dwellings constructed prior to 1961 subject to this article shall be inspected at least once every seven 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. 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 article shall be inspected by the landlord and tenant prior to the time at which the tenant moves in or at least once a year. This provision shall not apply to more than 12 unit properties inspected annually by the fire department. The landlord and tenant shall review the property using a form provided by the director of inspections 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.~~

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS this 9th day

of February, 2016.

APPROVED:




Mayor

ATTEST:




City Clerk

EXAMINED AND APPROVED:



Corporation Counsel