

CHAPTER 30

HOUSING AND PROPERTY MAINTENANCE

30.01 PROPERTY MAINTENANCE CODE

The "2015 International Property Maintenance Code" as published by the International Code Council, Inc. is hereby adopted as the Property Maintenance Code of the City with the following changes, additions or insertions:

Section 101.1, insert "City of Hickory Hills".

Section 102.3, change to read "Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Building Code, Plumbing Code, Mechanical Code, and Electrical Code adopted by the City. Nothing in this Code shall be construed to cancel, modify or negate any provision of the zoning ordinance."

Section 102.4, add "The City shall have the right to cause the demolition, repair or enclosure of unsafe buildings as provided for in the Illinois Municipal Code without following any of the procedures and notice requirements of this code."

Section 103, delete in full.

Section 104.1, add "The Building Commissioner shall be the code official. The code official may designate any employee of the City with the enforcement of this code."

Section 106.2, change to read "The code official may serve a notice of violation, but no such notice is a prerequisite to the existence of a violation or to action by the City to restrain, correct or abate such violation."

Section 106.3, change to read "The code official may institute court proceedings to restrain, correct or abate any violation, or to require the removal or termination of the unlawful occupancy of any structure, or the order or direction of the code official. Any action taken on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate."

Section 106.4, change to read "Any person who violates any provision of this code shall be subject to a fine of not less than \$100 nor more than \$750 for each violation thereof. Each day that a violation occurs shall constitute a separate offense and violation."

Section 107, delete in full.

Section 108.1.1, add "No structure may be boarded up for more than 6 months. An unsafe structure includes any structure boarded up for more than 6 months."

Section 108.3, change to read "Whenever the code official has condemned a structure or equipment, notice shall be sent by first class mail to the taxpayer of record or the party responsible for paying any water bill. The notice shall include a statement of the violations and a deadline by which to correct the violations."

Section 110.1, change to read “The code official may order the demolition of any structure which is:

1. Dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy.
2. A public nuisance.
3. Vacant or abandoned for more than 6 months.
4. Boarded up for more than 6 months.
5. Under construction where there has been a cessation of normal construction activity for a period of more than 6 months.
6. Maintain in violation of the provisions of this code for more than 6 months.”

Section 110.2, change to read “A notice of order of demolition shall be served as provided for in the Illinois Municipal Code.”

Section 111, delete in full.

Section 112.4, change to read “Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a fine of not less than \$100 nor more than \$750 for each violation thereof. Each day that a violation occurs shall constitute a separate offense and violation.”

Section 201.6, Local Codes, add *Section 201.6*, Local Codes to read “Whenever reference is made to the International Building Code, International Fire Code, International Zoning Code, International Plumbing Code, or International Mechanical Code, such reference shall be to the Building Code, Fire Code, Zoning Ordinance, Plumbing Code, Mechanical Code, currently in effect.”

Section 301.3, add “No structure shall be maintained which is:

1. Dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy.
2. A public nuisance.
3. Vacant or abandoned for more than 6 months.
4. Boarded up for more than 6 months.
5. Under construction where there has been a cessation of normal construction activity for a period of more than 6 months.
6. In violation of the provisions of this code for more than 6 months.”

Section 304.3, add “Street numbers must be attached to the structure (or light pole or mailbox) and may not be painted thereon. Street numbers may not be painted on any stairway, stoop, sidewalk, curb, or other area.”

Section 304.14, insert “May 1” and “October 1”.

Section 404.5, add “If any room used for residential purposes is overcrowded, the Code Official may order the number of persons sleeping or living in said room to be reduced in order to conform to the minimum area requirements of this Chapter. It shall be prohibited to use for sleeping purposes any kitchen, hallway, closet, basement, storage room, public area, dining room or living room (except that a living room may be used for sleeping purposes of a guest for not more than 2 consecutive nights).”

Section 602.2, change to read "Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 65°F in all habitable rooms, bathrooms and toilet rooms. Cooking appliances shall not be used to provide space heating to meet the requirements of this section."

Section 602.3, insert "October 1" and "May 1". Delete 2. in the Exception.

Section 602.4, insert "October 1" and "May 1".

30.02 CERTIFICATE OF HOUSING INSPECTION-8 OR MORE RESIDENTIAL UNITS

(a) It shall be unlawful for any person who is the new lessee of a residential dwelling unit in a building containing eight or more residential dwelling units to occupy the same until a Certificate of Housing Inspection without any deficiencies has been issued for the subject property, within the prior three months.

(b) For the purpose of this ordinance the following words shall have the meaning set forth below:

1. "Lease" means the transfer of occupancy rights of real property for consideration even if no written agreement is entered into.

2. "Owner" means the title holder of the real property including but not limited to the beneficiaries of a land trust, all partners in a partnership, and the officers of a corporation or any agent thereof.

3. "Sale" means the transfer for consideration of the title to real estate and includes the purchase of a condominium unit or the share in a cooperative apartment association or a corporation.

(c) All applications for a Certificate of Housing Inspection shall be made on such forms as prescribed by the Building Department. The Building Department shall issue a Certificate within 14 days after gaining access to the subject property, whether by consent or by warrant, and after the payment of a \$20.00 inspection fee. The Building Department shall cause inspections of the subject property to determine compliance with the Building, Housing, Property Maintenance, Fire, and Zoning Code and ordinances of the City. All deficiencies shall be noted on said Certificate.

(d) No evidence obtained in a consented inspection of real property pursuant to this ordinance shall be used in the prosecution of any criminal or ordinance violation against the owner of the property when inspection was made.

(e) Where no consent has been given to enter or inspect any property, no entry or inspection shall be made without procurement of a warrant from the Circuit Court of Cook County. The Court may consider any of the following factors along with such other matters as it deems pertinent in its decision as to whether a warrant shall issue:

1. Eyewitness account of violation.
2. Citizen complaints.
3. Tenant complaints.
4. Plain view violations.
5. Violations apparent from City records.
6. Property deterioration.
7. Age of property.
8. Nature of alleged violation.
9. Similar properties in the area.
10. Documented violations of similar properties in the area.
11. Passage of time since last inspection.
12. Previous violations on the property.

Cause for issuance of a warrant shall be deemed to exist in light of reasonable legislative and administrative standards which show that there is reason to believe that a condition of non-conformity exists with respect to a particular property in violation of a City ordinance.

(f) Nothing herein shall prohibit the lease of real estate to a new lessee even if no Certificate of Housing Inspection has been obtained or even if such Certificate shows deficiencies thereon. The City does not guarantee the condition of the subject property and is not responsible for any claims arising out of the subject property or the condition thereof. The City does not warrant that all deficiencies are listed in a Certificate and does not warrant anything as to the condition of the property or the habitability thereof.

30.03 CERTIFICATE OF HOUSING INSPECTION - ALL PROPERTY

(a) It shall be unlawful for any person who is the new owner or lessee of any building to occupy the same until a Certificate of Housing Inspection - All Property (the "Certificate") without any deficiencies has been issued for the subject property, within the prior three months.

(b) For the purpose of this section the following words shall have the meaning set forth below:

1. "Lease" means the transfer of occupancy rights of real property for consideration even if no written agreement is entered into.
2. "Owner" means the title holder of the real property including but not limited to the beneficiaries of a land trust, all partners in a partnership, and the officers of a corporation or any agent thereof.
3. "Sale" means the transfer for consideration of the title to real estate and includes the purchase of a condominium unit or the share in a cooperative apartment association or a corporation, or assignment of beneficial interest in a land trust.

(c) All applications for a Certificate shall be made on such forms as prescribed by the Water Department. The Water Department shall issue a Certificate within 14 days after gaining access to the subject property, whether by consent or by warrant. The Water Department shall cause inspections of the subject property to determine whether there is a proper connection to the sanitary sewer system, whether there is a proper connection to the water system (including a properly operating water meter), and whether the use of the property complies with use regulations of the Zoning Ordinance. All deficiencies shall be noted on said Certificate.

(d) No evidence obtained in a consented inspection of real property pursuant to this section shall be used in the prosecution of any criminal or ordinance violation against the owner of the property when inspection was made.

(e) Where no consent has been given to enter or inspect any property, no entry or inspection shall be made without procurement of a warrant from the Circuit Court of Cook County. The Court may consider any of the following factors along with such other matters as it deems pertinent in its decision as to whether a warrant shall issue:

1. Eyewitness account of violation.
2. Citizen complaints.
3. Tenant complaints.
4. Plain view violations.
5. Violations apparent from City records.
6. Property deterioration.
7. Age of property.
8. Nature of alleged violation.
9. Similar properties in the area.
10. Documented violations of similar properties in the area.
11. Passage of time since last inspection.
12. Previous violations on the property.
13. Building plans or lack thereof.
14. Building permit or lack thereof.

Cause for issuance of a warrant shall be deemed to exist in light of reasonable legislative and administrative standards which show that there is reason to believe that a condition of non-conformity exists with respect to a particular property in violation of a City ordinance.

(f) Nothing herein shall prohibit the sale or lease of real estate to a new owner or lessee even if no Certificate has been obtained or even if such Certificate shows deficiencies thereon. The City does not guarantee the condition of the subject property and is not responsible for any claims arising out of the subject property or the condition thereof. The City does not warrant that all deficiencies are listed in a Certificate and does not warrant anything as to the condition of the property or the habitability thereof.

(g) In the event that no certificate is issued as required herein, or there are deficiencies on the property as noted on the certificate which are not corrected, the city may shut off water service to the building after seven days written notice.

30.04 DEFINITIONS

(a) As used within this Chapter, the following terms shall have the meanings set forth in this Section:

1. **Arboricultural Specifications Manual.** A manual prepared by the Beautification Commission containing regulations and standards for the planting, maintenance, and removal of trees, shrubs, and other plants upon city-owned property.
2. **City-owned Property.** Property within the city limits of Hickory Hills, Illinois, and
 - A. owned by the city in fee simple, or

B. implied or expressly dedicated to the public for present or future use for purposes of vehicular or pedestrian traffic, or for public easements, or

C. right-of-way of public streets or alleys.

3. **Property Owner.** The record owner or contract purchaser of any parcel of land.

4. **Trees, Shrubs, and Other Plants.** All vegetation, woody or otherwise, except lawn grass and flowers less than 24 inches in height.

30.05 COMMUNITY AFFAIRS COMMISSION: EXPANDED DUTIES

(a) **Duties.** The Community Affairs Commission shall perform the following expanded duties:

1. The Community Affairs Commission, with the assistance of the Public Works Director, shall develop, and each subsequent year, update the Urban Forestry Management Plan. The Plan shall outline urban forestry program activities for a minimum of the next five years. This plan shall describe the urban forestry activities to be undertaken by the city, the reason for those activities, the possible funding sources, the means of accomplishing the activities, the alternatives available to the city to fund or accomplish the activity, the projected date of completion, and the consequences if the activity is not completed.

2. The Community Affairs Commission, with the assistance of the Public Works Director, shall develop and annually review and revise, as necessary, the Arboricultural Specifications Manual. This manual shall contain regulations and standards for the planting, maintenance, and removal of trees, shrubs and other plants upon city-owned property.

3. The Community Affairs Commission shall cause the Urban Forestry Management Plan and the Arboricultural Specifications Manual, and all revisions and amendments to it, to be published in pamphlet form and shall cause three copies of the Manual, and all revisions and amendments to it, to be available for public inspection at the office of the City Clerk.

4. The Community Affairs Commission shall make available to any interested person copies of the Shade Tree Ordinance, information about the activities of the Community Affairs Commission, copies of the Arboricultural Specifications Manual and copies of the Urban Forestry Management Plan upon payment of usual copying charges.

5. The Community Affairs Commission shall advise and consult the Public Works Director on any matter pertaining to the Hickory Hills Shade Tree Ordinance and its enforcement.

30.06 THE PUBLIC WORKS DIRECTOR, EXPANDED DUTIES

(a) **Duties.** The Public Works Director shall perform the following duties:

1. The Public Works Director shall administer the Urban Forestry Management Plan, the Shade Tree Ordinance and the provision of the Arboricultural Specifications Manual.

2. The Public Works Director shall perform whatever acts are necessary, including the planting and maintenance of trees, the removal of undesirable trees, shrubs, and other plants located on city-owned property, to insure that all trees, shrubs and other plants located on city-owned property conform with the Urban Forestry Management Plan, the Arboricultural Specifications Manual, and this Ordinance. Pursuant to this duty, the Public Works Director, in accordance with normal city procedures regarding contracts, may arrange contractual agreements.

3. The Public Works Director shall issue permits and shall obtain as a condition precedent to the issuance of such permits the written agreement of each person who applies for such permits that he or she will comply with the requirements of this Chapter, the Urban Forestry Management Plan, and with the regulation and standards of the Arboricultural Specifications Manual. The Public Works Director shall have the right to inspect all work performed pursuant to such permits. If the Public Works Director finds that the work performed is not in compliance with the requirements of this Chapter, the Urban Forestry Management Plan, or with the regulations or standards of the Arboricultural Specifications Manual, the Public Works Director shall provide written notice of his finding to the permit applicant.

30.07 PERMITS

(a) **Scope of Requirement.** No person except the Public Works Director, an agent of the Public Works Director, or a contractor hired by the City may perform any of the following acts without first obtaining from the City a permit for which no fee shall be charged, and nothing in this Section shall be construed to exempt any person from the requirements of obtaining any additional permits as are required by law:

1. Plant on city-owned property, prune any trunk or branch in excess of 1-1/2" diameter, remove, or destroy any tree, shrub, or other plant located on city-owned property, except that this provision shall not be construed to prohibit owners of property adjacent to city-owned property from watering or fertilizing without a permit any tree, shrub, or other plant located on such city-owned property.

2. Trim, prune, or remove any tree or portions thereof if such tree or portions thereof reasonably may be expected to fall on city-owned property and thereby to cause damage to persons or property.

3. Place on city-owned property, either above or below ground level, a container for trees, shrubs, or other plants.

4. Damage, cut, tap, carve, or transplant any tree, shrub, or other plant located on city-owned property.

5. Attach any rope, wire, nail, sign, poster or any other man-made object to any shrub, or other plant located on city-owned property.

(b) **Issuance.** Within seven days of receipt of the application, the Public Works Director shall issue a permit to perform within thirty days of the day of issuance any of the acts specified in part A, immediately above, for which a permit is requested whenever;

1. such acts would result in the abatement of a public nuisance; or

2. such acts are not inconsistent with the development and implementation of the Urban Forestry Management Plan or with any regulations or standards of the Arboricultural Specifications Manual; and whenever;

3. an application has been signed by the applicant and submitted to the Public Works Director detailing the location, number, size, and species of trees, shrubs or other plants that will be affected by such acts, setting forth the purpose of such acts and the methods to be used, and presenting any additional information that the Arborist may find reasonably necessary;

4. the applicant agrees to perform the work for which the permit is sought in accordance with the provisions of this Chapter, the Urban Forestry Management Plan and with the regulations and standards set forth in the Arboricultural Specifications Manual; and

5. the applicant certifies that he or she has read and understands those provisions of this Chapter, the Urban Forestry Management Plan and of the Arboricultural Specifications Manual which are pertinent to the work for which the permit is sought; and

6. if the work for which a permit is issued entails the felling of any tree or part thereof, located on private property, which, as a result of such felling reasonably may be expected to fall upon city-owned property, and if such felling is done by one other than the owner of the property on which such felling is done, then the applicant shall agree to indemnify and to hold the City of Hickory Hills harmless for all damages resulting from work conducted pursuant to the permit and shall deposit with the City Clerk a Liability Insurance Policy in the amount of \$100,000 per person/\$300,000 per accident for Bodily Injury Liability and \$50,000 aggregate for Property Damage Liability, which policy shall name the City of Hickory Hills as an additional insured.

(c) **Public Utility Companies.** Nothing in this Section shall be construed to exempt public utility companies or their agents from any of the requirements of this Chapter.

30.08 PUBLIC NUISANCES

(a) **Definition.** The following are hereby declared public nuisances:

1. Any dead or dying tree, shrub, or other plant, whether located on city-owned property or on private property.

2. Any otherwise healthy tree, shrub, or other plant, whether located on city-owned property or on private property, which harbors insects or diseases which reasonably may be expected to injure or harm any tree, shrub, or other plant.

3. Any tree, shrub, or other plant, or portion thereof, whether located on city-owned property or on private property, which by reason of location or condition constitutes an imminent danger to the health, safety, or welfare of the general public.

4. Any tree, shrub or other plant or portion thereof whether located on city-owned property or on private property which obstructs the free passage of pedestrian or vehicular traffic or which obstructs a street light.

5. Any tree, shrub or other plant or portion thereof whether located on city-owned property or on private property which dangerously obstructs the view in the "visibility triangle" as such may be established by the Director of Public Works.

(b) **Right to inspect.** The officers, agents, servants and employees of the city have the authority to enter onto private property whereon there is located a tree, shrub, plant or plant part that is suspected to be a public nuisance.

(c) **Abatement.** The following are the prescribed means of abating public nuisances:

1. Any public nuisance which is located on city-owned property shall be pruned, removed, or otherwise treated by the Public Works Director in whatever fashion is required to cause the abatement of the nuisance within a reasonable time after its discovery.

2. Any public nuisance which is located on private-owned property shall be pruned, removed, or otherwise treated by the property owner or his/her agent in whatever fashion is required to cause the abatement of the nuisance. No property owner may be found guilty of violating this provision unless and until the following requirements of notice have been satisfied:

A. The Public Works Director shall cause a written notice to be personally served or sent by First Class Mail to the person to whom was sent the tax bill for the general taxes for the last preceding year.

B. Such notice shall describe the kind of tree, shrub or other plant or plant part which has been declared to be a public nuisance; its location on the property; the reason for declaring it a nuisance.

C. Such notice shall describe by legal description or by street the premises.

D. such notice shall state the actions that the property owner may undertake to abate the nuisance.

E. such notice will require the elimination of the nuisance no less than thirty days after the notice is delivered or sent to the person to whom was sent the tax bill for the general taxes for the last preceding year.

F. such notice may include a copy of this ordinance and a copy of Illinois Revised Statutes, Chapter 24, Sections 11-20-11 and 11-20-12.

In the event that the nuisance is not abated by the date specified in the notice, the Public Works director is authorized to cause the abatement of said nuisance. The reasonable cost of such abatement shall be filed as a lien against the property on which the nuisance was located. In addition, the property owner of the property upon which the nuisance is located shall be subject to prosecution under Section 30.16 of this Chapter. Nothing in this provision shall be construed to exempt any person from the requirements of obtaining permits under Section 30.13 of this Chapter.

3. The Public Works Director is empowered to cause the immediate abatement of any public nuisance provided that the nuisance is determined by the Public Works Director to be an immediate threat to any person, or property.

4. The Public Works Director is hereby empowered to seek from any court of competent jurisdiction an order directing immediate abatement of any public nuisance.

30.09 INTERFERENCE WITH THE PUBLIC WORKS DIRECTOR

No person shall unreasonably hinder, prevent, delay, or interfere with the Public Works Director or his agents.

30.20 MAINTENANCE OF EXTERIOR PROPERTY

(a) **Sanitation.** All exterior property and premises shall be maintained clean, safe, sanitary and free from any accumulation of rubbish or garbage.

(b) **Grading and Drainage.** All premises shall be graded and maintained to prevent the accumulation of stagnant water thereon. The natural drainage of water over land shall not be changed. Water from sump pumps or ejector pumps shall not be directed nor allowed to drain to a neighboring property.

(c) **Sidewalks and Driveways.** All sidewalks, walkways, driveways and paved areas shall be kept in a proper state of repair and maintained free of hazardous conditions.

(d) **Lawn Areas.** All premises and exterior property shall be maintained free from weeds and plant growth in excess of 8 inches (excluding trees, shrubs, and cultivated flower or garden areas) and shall be maintained with grass.

(e) **Ground Cover.** No exterior property (except cultivated flower or garden areas) may be maintained with stone, sand, or other nonliving ground cover.

(f) **Rat and Rodent Harborage.** All structures and exterior property shall be kept free from rat and rodent infestation.

(g) **Limitation of Number of Dogs and Cats.** No person shall keep or maintain more than two dogs and two cats of two months of age or older in any single-family residence, building or lot.

(h) **Exhaust Vents and Air Conditioning Units.** Pipes, ducts, conductors, fans, blowers and ground air conditioning units shall not discharge onto adjacent private property.

(i) **Accessory Structures Including Fences.** All accessory structures including detached garages, sheds, fences and walls shall be maintained structurally sound and in good repair.

(j) **Sidewalks.** The adjoining property owner shall be responsible for maintaining the public sidewalk in front and to the side (if any) of their property in a proper state of repair and free of hazardous conditions.

(k) **Parkways.** The adjoining property owner shall be responsible for maintaining the public parkway in front and to the side (if any) of their property to the same standards as if it were their private property.

(l) **Drainage Ditches and Sewers.** No person shall obstruct any drainage ditch or sewer. No person shall deposit or pour any substance or material into a storm sewer or sanitary sewer.

(m) **Corner Lots/Obstructed View.** All trees, hedges, and shrubbery within 15 feet of the corner of the lot shall be maintained so as to allow a clear view of traffic by vehicles approaching an intersection.

(n) **Sidewalk Obstructions.** No person shall obstruct a public sidewalk. All limbs of trees or shrubs shall be maintained at least 8 foot above the surface of the public sidewalk.

(o) **Storage of Materials.** Outside storage of building materials, appliances, motor vehicle parts, furniture, and junk is prohibited.

(p) **Storage of Firewood.** Outside storage of firewood is permitted provided that the firewood is placed on a platform at least 4 inches above the ground.

(q) **Garbage Containers.** All garbage shall be placed in a refuse container of not greater than 32 gallons with a tight fitting cover.

(r) **Trees and Shrubs.** All dead trees or shrubbery, or parts thereof, shall be promptly removed.

30.21 PARKING AREAS AND PARKING OF VEHICLES

(a) **Parking Areas and Driveways.** No motor vehicle shall be parked or stored in any area other than a paved parking area. No motor vehicle shall be parked blocking the sidewalk between the hours of 8:00 a.m. and 10:00 p.m.. No motor vehicle shall be parked on the parkway. All parking areas, including driveways, shall be constructed with a paved surface such as Portland cement concrete or bituminous concrete. Stone parking areas and driveways are prohibited; provided however that no such existing area for a single family residential property need be changed until one year after the sale thereof.

(b) **Parking of Unregistered Motor Vehicles.** Motor vehicles not bearing a current license registration or not bearing a current city sticker may not be parked, kept or stored on any property for a period in excess of 7 days; provided that such a vehicle may be parked, kept or stored in an enclosed garage area.

(c) **Parking of Dismantled or Inoperable Motor Vehicles.** Motor vehicles which are not capable of being driven including those in a state of major disassembly, disrepair, or in the process of being stripped or dismantled may not be parked, kept or stored on any property; provided that such a vehicle may be parked, kept or stored in an enclosed garage area.

(d) **Parking of Abandoned Motor Vehicles.** All inoperable motor vehicles (including any vehicle upon which the engine, wheels or other parts have been removed so that the vehicle is incapable of being driven under its own power) in view of the general public are hereby declared to be a nuisance and are subject to towing and removal after 7 days under the provisions of the Illinois Vehicle Code.

(e) **Parking of Motor Vehicles Other Than Automobiles.** No ambulance, bus, commuter van, farm tractor, medical transport vehicle, road tractor, school bus, semitrailer, tow truck, trailer, truck tractor, truck (except A and B plates) or rescue vehicle shall be parked, kept or stored on any residentially zoned property.

30.22 STRUCTURES AND USE OF PREMISES

(a) **Business Use of Residential Premises.** No person shall use or maintain any business which is not a home occupation on any residentially zoned property. A home occupation is any occupation or profession, practiced by a member of the family residing on the premises, and which occupation is clearly incidental and secondary to the residential use of the dwelling; and in connection with which there is no indication from the exterior, other than one (1) unanimated, non-illuminated sign of not more than one (1) square foot in size, that the building is being utilized in whole or in part for any purpose than that of a dwelling. No commodity is sold upon the premises and no food commodity intended for sale or use elsewhere is stored on the premises; no more than one (1) person is employed other than members of the family residing on the premises; and no mechanical or electrical equipment is used except for telephones, calculators, typewriters and computers. A professional person may use his residence for consultation, emergency treatment, or performance of religious rites. No accessory building shall be used for such home occupation. Home occupations, further, shall not utilize more than twenty-five (25) percent of the total floor area of any one (1) story. No vehicle used in conjunction with the home occupation may be parked on the premises, based at the premises, or parked on the public street in the area of the premises, except for one passenger car designed for carrying not more than six persons.

(b) **Vacant Structures.** All vacant structures shall be maintained in a clean, safe, secure and sanitary condition so as not to adversely effect the public health or safety. No vacant structure may have any broken windows, broken doors, or other means of access thereto.

(c) **Boarded-Up Structures.** No structures may be boarded up for a period in excess of 90 days. Any structure boarded up for a period in excess of 90 days shall be considered abandoned and subject to demolition.

30.23 EXTERIOR STRUCTURES

(a) **Appearance.** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety and welfare. Any painted surface must be maintained free of scaling or chipping paint and must have a uniform surface appearance.

(b) **Street Numbers.** Each building shall display a street number on the premises so as to be visible and readable from the public right-of-way.

(c) **Structural Members.** All structural members shall be maintained free of deterioration, and capable of safely bearing the imposed dead and live loads.

(d) **Foundations Walls.** All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rats.

(e) **Exterior Walls.** All exterior walls shall be free of holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface-coated where required to prevent deterioration.

(f) **Roofs and Drainage.** The roof and flashing shall be sound, tight, and not have defects which might admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the building. All structures of more than 1,000 square feet in area shall be provided with gutters and downspouts which shall be maintained in good repair at all times. Gutters shall not be discharged to neighboring properties.

(g) **Exterior Surfaces.** All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic applications of weather-coating materials, such as paint, stain, or similar surface treatment.

(h) **Handrails.** Any handrail or guardrail shall be firmly attached and maintained in good condition.

(i) **Window and Door Frames.** Every window, door and frame shall be kept in sound condition, good repair and weather-tight. All glazing materials shall be maintained free of cracks and holes. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

(j) **Screens and Doors.** During the period from May 1 through October 1, every door, window and other outside opening used or required for ventilation purposes shall be supplied with tightly fitting screens of not less than 16 mesh per inch and every swinging door shall have a self-closing device in good working order.

(k) **Doors and Locks.** All exterior doors, hardware and locks shall be maintained in good condition and shall tightly secure the premises.

30.24 INTERIOR STRUCTURE

(a) **Appearance.** The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

(b) **Structural Members.** The supporting structural members of every building shall be maintained structurally sound, and capable of carrying the imposed loads.

(c) **Interior Surfaces.** All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling paint, cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

(d) **Accumulation of Rubbish or Garbage.** The interior of every structure shall be free from any accumulation of rubbish, or garbage.

(e) **Insect and Rat Harborage.** All structures shall be kept free from insect and rat infestation. All structures in which insects or rats are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

(f) **Stairs and Railings.** All interior stairs and railings shall be maintained in sound condition and good repair.

(g) **Handrails and Guardrails.** Every handrail and guardrail shall be firmly fastened and capable of bearing normally imposed loads and shall be maintained in good condition.

30.25 ADMINISTRATION

(a) **Inspections.** The Ordinance Enforcement Officer, the Building Commissioner, and employees thereunder shall be charged with the enforcement of the Hickory Hills Property Maintenance Ordinance.

(b) **Notices.** Whenever there has been determined to be a violation, a notice to correct the violation may be sent in lieu of proceeding to court. A notice to correct a violation is not required before proceeding to court.

(c) **Unlawful Acts and Responsibility.** It shall be unlawful for any person to erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, use, occupy, permit another to use or occupy any premises, structure, or equipment in violation of any provision of the Property Maintenance Ordinance. The owner and occupant of any premises are jointly and severally responsible to maintain the structures and exterior property.

(d) **Court Proceedings.** In any court prosecution, the City may request the court to restrain, correct or remove the violation; to prevent the occupation or use of a structure or premises; to require the removal of work in violation; to demolish any structure or part thereof; to remove any motor vehicle; and for a fine.

(e) **Schedule of Fines.** In the event that a notice of violation is given and correction is made within the time stated in the violation, there shall be no fine. In the event that a ticket is given or other court proceedings are instituted the minimum fine shall be \$25.00 if the correction is made within 10 days or before the first court hearing. In any other event the minimum fine shall be \$50.00. The maximum fine shall be \$500.00.

30.26 STORAGE OF TIRES.

It shall be unlawful for any person to keep, maintain or store any tire except within an enclosed building or within an enclosed container. It shall be unlawful for any person to allow water to accumulate in any tire. Any container storing a tire must be kept shut so as to prevent the accumulation of water in a tire. No tire shall be left for disposal except within a closed container and in accordance with the Illinois Environmental Protection Act.

30.27 COMMERCIAL STORE FRONT APPEARANCE STANDARDS.

(a) **Definitions.** For the purposes of this Article, the following words and phrases shall have the following meanings:

1. Commercial property means any property any portion of which is used other than as a dwelling unit.

2. Exterior wall, window or door means any wall, window or door one side of which is on the outside of a building.

3. Graffiti means any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or, despite advance authorization, is otherwise deemed a public nuisance by the Building Commissioner.

4. Security gate means any system employing bars, gates, shutters, grills, or other similar devices affixed to a structure with the intent of preventing or which prevents access to or from the interior of the structure, including roll-down, accordion, or removable systems.

5. Solid means any system with a surface that is less than 80% see-through such that substantial visibility is allowed through the system.

(b) **Security gates prohibited.**

1. It shall be unlawful for any person owning or occupying any commercial property to install, maintain or have any security gate on the outside of any exterior wall, window or door which faces and is substantially parallel to the public street.

2. It shall be unlawful for any person owning or occupying any commercial property to install, maintain or have any solid security gate on the inside of any exterior window or door which faces and is substantially parallel to the public street.

3. Nothing herein shall prohibit security gates on the interior walls or doors of any building, including shopping malls. Nothing herein shall prohibit security gates on rear doors and windows.

(c) **Removal of graffiti.**

1. It shall be unlawful for any person owning or occupying any commercial property to permit property that is defaced with graffiti to remain defaced for a period of 5 days after service of a notice from the Village by personal delivery or first class mail ordering the removal of the graffiti.

2. The existence of graffiti in violation of this section is declared to be a public nuisance and subject to removal and abatement by the Village in accordance with due process. Any unpaid costs incurred by the Village in the removal of such graffiti shall be a charge and lien on the property where the graffiti was removed. The Mayor may establish regulations to implement the provisions of this article.