

CHAPTER 8**BUILDINGS AND BUILDING REGULATIONS**

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ARTICLE I. BUILDING CODE

Section 8-01. Adoption of building code. That a certain document, a copy of which is on file in the office of the Code Official of the City of Kankakee, being marked and designated as the International Building Code, 2003 edition (Excluding Appendices A through J) as published by the International Code Council, be and is hereby adopted as the Building Code of the City of Kankakee, in the State of Illinois, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and, the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, citations and terms of said Building Code on file in the office of the Code Official are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed herein.

Section 8-02. Revisions to building code. The following additions, insertions, deletions and changes are hereby made:

101.1 Title. These regulations shall be known as the Building Code of the City of Kankakee, Kankakee County, Illinois hereinafter referred to as “this code.”

Section 101.4.1 Electrical – **Change** “ICC Electrical Code” to “National Electric Code”

Section 101.4.4 Plumbing - **Change** “International Plumbing Code” to “Illinois State Plumbing Code”

Section 105.2 Work exempt from permit.

Building:

#1 **Replace** “120” with “60”.

#2 **Delete** entire sentence.

#3 **Delete** entire sentence.

#5 **Delete** entire sentence.

#6 **Delete** entire sentence.

R105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 30 days after its issuance, or if the work authorized on the site by such permit is not completed within 180 days after issuance of the permit. The Building Official or Authorized Building Inspector are authorized to grant one or more extensions of time, for periods not to exceed 60 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Section 106.2.1 Grading Survey. At the time of application for any new construction, the applicant shall furnish the City, a plat of survey, signed and surveyed by an Illinois Licensed land Surveyor containing and/or portraying the following information:

1. The elevation of and the four (4) corners of the lot;
2. The footprint of the structure in relation to all property lines;
3. Proposed elevation of top of foundation and actual elevation of curb, if any;
4. All drainage swales and direction of surface water flow on the property;
5. Location of all public utilities, including telephone and electrical pedestals;
6. Utility service routing lines which should be run parallel with and at least two (2) feet within side property line;
7. Proposed finished grade.

Section 106.2.2 Certification of Top of Foundation Wall Elevation. After installation of foundation, drain tile, Damp-proofing and Back fill but before any further work, the applicant, shall submit to the City, a current plat of survey certification from an Illinois Licensed Surveyor that the Top of Foundation elevation and the structure footprint conforms with all applicable City ordinances and an approved grading survey with a tolerance of plus or minus six (6) inches from the top of foundation.

Section 106.2.3 Final Plat of Survey. Within four (4) months after issuance of a Temporary Occupancy Certificate, the Building Permit applicant shall deliver to the City, a current plat of survey signed by an Illinois Licensed Surveyor or engineer.

1. Conforms to all applicable ordinances and regulations of the City.
2. Conforms to all City approved final engineering plans and specifications;
3. Conforms to the grading survey showing grade contour lines, including the final grade.

Section 106.6 CERTIFICATION OF FINAL GRADE PRIOR TO ISSUANCE OF AN OCCUPANCY PERMIT
No building permit shall be issued for an intended building unless the proposed drawings, earthwork and other improvements are in conformance with the site development plan approved previously as part of the application for a building permit.

Following completion of the building, and prior to issuance of an occupancy permit, a final grading survey, as well as a Final Grading Certification, shall be required after the lot has been final graded and topsoil is in place. This survey shall be a topographic survey by a registered land surveyor of the state of Illinois depicting final grade spot elevations at all lot corners, at twenty-five (25) foot intervals along the perimeter of the lot, and at all locations of spot elevations shown on the approved grading plan. These elevations shall be referenced to U.S.G.S. datum.

A copy of the survey and the Final Grading Certification shall be furnished to the City prior to occupancy permit being issued.

Section 106.7 Review by City Engineer: In addition to complying with all City and other requirements, no building permit shall be issued for any commercial development or commercial property, or industrial development or industrial property, until all of the proposed development plans have been reviewed and approved by the City Engineer.

Section 107.2.1 All Weather Road Requirements: In addition to complying with all City and other requirements, an all weather road must be in existence in each new phase of a subdivision development, before any building permits may be issued.

108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the following schedule:

Section 108.2.1 Schedule of permit fees for but not limited to: buildings, structures, signs, electrical, gas, mechanical, and plumbing systems requiring a permit, a fee for each permit shall be paid as required, in accordance with the following schedule:

- A. One and two-family dwellings: Minimum fee of \$35.00 plus \$10.00 per thousand (or 1%) of valuation of work. Maximum fee not to exceed \$5,000.00. Demolition of a residential structure shall cost \$50.00.
- B. Structures classified with respect to occupancy in groups listed in Section 302.1 of the International Building Code: Minimum fee of \$100.00 plus \$15.00 per thousand (or 1.5%) of valuation of work. Demolition of a commercial structure shall cost \$150.00.
- C. A \$35.00 administrative fee for the cost of processing and handling of permit applications shall be charged to all non-for-profit agencies, groups, clubs and business filing for exemption through the Enterprise Zone.
- D. Illuminated and non-illuminated signs: Minimum fee of \$50.00 plus 1% per square foot of signage.
- E. Permits are all encompassing. Individual trade permits will not be issued for new construction, renovations or additions.
- F. Reinspection or extra inspections needed or requested: \$50.00

Section 108.2.2 Any work that affects the property boundaries in any way requires a plat of survey and zoning department approval.

Section 108.2.3 Valuation of work as defined by 108.3 of the International Building Code shall include all trade (plumbing, electrical and mechanical) costs. Separate trade permits shall be required; if applicable, but no additional permit fees will be charged if the proposed work is covered by a building permit.

Section 108.2.4 Duty of Building Permit Holder to Clean Work Site Each Day.

Any person, firm or corporation who shall be issued a building permit for any work in the city shall be responsible to insure that the work site is free of debris, litter or any construction material or refuse at the end of each workday. Said person, firm or corporation shall provide proper containers of a sufficient number on the construction site and shall have trash collection by a duly licensed scavenger operator. Any person, firm or corporation who violates any provision of this section shall be fined not less than One Hundred (\$100.00) Dollars nor more than Seven Hundred Fifty (\$750.00) Dollars for each offense and when deemed necessary the building official will take such action as may be necessary to effect a stop work order on specified work site until there is compliance with the provisions of this section.

Section 112 Appeals

Section 112.1 General. Appeals of orders, decisions or determinations of all authorized city staff and the Code Official

shall be subject to the following provisions;

1. An appeal of any decision or determination of authorized city staff must be submitted in writing to the Code Official within 10 days of the date of mailing thereof. The Code Official shall then notify the authorized owner or agent of the administrative decision on the appeal within 10 days of receiving the written appeal request. The decision of the Code Official constitutes the final administrative action of the City.
2. Any person or entity seeking review of any tickets issued by authorized city staff for violation of this code may appear before the Adjudication Court. The decision of the Adjudication Court shall constitute the final administrative act of the City.
3. The foregoing procedures do not apply if the City opts to file within the Circuit Court for injunctive relief or monetary damages or fines.

Section 113.4 Violation penalties. The Violator shall be subject to a fine of not less than hundred (\$100.00) Dollars nor more than Seven Hundred Fifty (\$750.00) Dollars for each day the violation occurs.

602.1.2 Prohibited Buildings. The construction of Pole Barn Buildings and Prefabricated Steel Buildings shall be prohibited as a primary structure on all zoning lots.

Section 708.2.1 Fire separation Requirements: All structures of Residential Group R shall be constructed of concrete/masonry material. Interior walls thereof separating units or apartments shall be constructed of non-combustible material and have a minimum of a two (2) hour fire-resistance rating.

Section 708.3 Fire resistance rating. - Exception #2: **Change** (½ hour) to 1 (hour)

Section 710.3 Fire resistance rating. – Exception: **Change** (½ hour) to (1 hour)

Section 901.8 KNOX ELECTRONIC CUT OFF SWITCH: A Knox Model (KS-2P) pre-emptive cut off switch is required in all buildings of all Use Groups with multiple electric panel rooms or locations or in buildings with a service of 800 or more amps. The cut off switch shall be located at the main front entrance or vestibule in which the Knox Box is located or other approved location in accordance with the Fire Department and Mounted not higher than 6 feet off the floor.

Section 903.2 Where (sprinklers) Required. “In all construction Use Group’s, if the building area exceeds 5,000 square feet, an approved sprinkler system shall be provided unless an area less than 5,000 square feet is specified for that grouping.”

Section 903.3.1 Standard: MULTIPLE STORY BUILDINGS: In multiple story buildings, provide floor control valves with water flow switches for each floor.

Section 903.3.5: WATER SUPPLY: The fire protection system water supply shall be separate from the domestic water supply. Provide separate lead-ins from the public water main.

Section 905.2.1 STORAGE HOSE VALVES: In all warehouse storage areas, where storage exceeds 12 feet high, provide inside 2 1/2 inch fire hose valves with 1 1/2 inch reducer to a 1 1/2 inch connection with 100 feet of 1 1/2 inch hose and fog nozzle shall be spaced at each door entrance to the warehouse and/or storage area. Provide additional fire hose valves so that no portion of the warehouse and/or storage area is more than 120 feet maximum travel distance to a fire hose valve. Show the location of all obstructions and/or racks on the drawing.

The fire hose valves system piping shall be:

- a. A separate piping system.
- b. Hydraulically calculated for a minimum of 250 gpm at 75 psi to the most hydraulically remote fire hose valve

Section 907.2 Where required: (Fire alarm and Detection System) In new and remodeled /renovated building a monitored automatic fire detection system shall be installed and maintained in full operational condition in all use groups in this code.

Section 911.2 FIRE PUMPS: All fire pumps shall have an outside test header. Provide an OS&Y gate valve on all fire pump test headers. Provide a ball drip between the OS&Y control valve and the outside test header. The test header shall have the minimum 2 1/2 foot test valves required by NFPA 20.

Section 1402:1: FRONT EXTERIOR WALL: The vertical exterior wall, including the exterior wall surface, that faces the front lot line of a property, or a lot line abutting a public or private street right-of-way.

1404.1.1 Exterior front walls. The front exterior wall veneer of any new building or structure, including additions to existing buildings or structures, classified with respect to occupancy in one or more of the Groups listed in Section 302.1 (excluding Factory, High hazard and Residential Groups F, H and R) shall be constructed, covered, surfaced or faced, a minimum vertical distance of 3 feet as measured from finished grade, with one or more of the materials listed below.

1. Wall construction materials shall include, but are not limited to, brick masonry (calcium silicate, clay, shale or concrete), stone (cast artificial or natural), structural glass or ceramics, and precast or poured concrete.
2. Wall covering, surface or facing materials shall include, but are not limited to, stone facing or slab type veneers (precast artificial or natural), glass or tile veneers, stucco or exterior cement plaster, cast-in-place or precast concrete, terra cotta, and approved exterior insulation and finish systems.
3. Unless otherwise specified herein, wall construction, covering, surface or facing materials, including, but not limited to, vinyl siding, aluminum and other metal siding and veneers, exterior plywood, particle board, fiberboard & hardboard siding, fiber cement lap & panel siding, and metal composite materials, shall not be used to comply with the requirements of this section.

1612.3 Establishment of flood hazard areas. To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for the City of Kankakee, Illinois," dated May 5 , 2003, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM), are hereby adopted by reference and declared to be part of this section.

Section 1808.0 SUMP PUMP DISCHARGES

Section 1808.1 UNDERGROUND CONNECTION REQUIRED: Sump pumps for all residential buildings shall discharge to a storm sewer or drainage line, if one is available, to serve the property. Connections are to be made by a contractor licensed by the City, including the connection to the storm sewer and the entire pipe from the house to the storm sewer.

Section 1808.2 DISCHARGE LINE: The sump pump discharge line shall come out of the house above the ground and turn downward using an elbow. It shall then extend just into a gravity receiving pipe that is sticking out of the ground a few inches. The gravity pipe shall be four (4) inch diameter PVC and shall have a minimum of one (1) percent grade to the storm outlet location.

Section 1808.3 CONNECTION: The tap into the storm sewer main shall be made based on the type of receiving storm sewer pipe as follows:

1. N-12 STORM SEWER (Heavy Black Plastic Pipe with a Smooth Interior): An "INSERTA TEE" by Advanced Drainage Systems shall be used for connection of the four (4) inch PVC gravity sump pump

line to the N-12 storm pipe.

2. **CONCRETE STORM SEWER:** A hole shall be sawed into the existing concrete storm sewer or storm structure. Three galvanized metal screws, a minimum of two (2) inches long, are to be installed in the end of the four (4) inch PVC sump pump discharge pipe, at a distance from the end equal to the thickness of the concrete, to create a stoop barrier. The screws shall be equally spaced around the PVC pipe and screwed in no more than 1/4 inch. The four (4) inch PVC pipe is to be inserted into the concrete until the screws rest against the outside of the concrete causing the end of the PVC pipe to be flush with the interior of the concrete pipe or structure. The PVC pipe shall then be concreted and/or grouted in place with care taken to prevent the cement materials from entering the pipe or structure.

Section 1808.4 INSPECTIONS REQUIRED: Trenches and connections are not to be backfilled until an inspection is made by the City Inspector.

3410.2 Applicability. Structures existing prior to December 31, 2007, in which there is work involving additions, alterations or changes of occupancy shall be made to conform to the requirements of this section or the provisions of Sections 3403 through 3407. The provisions in Sections 3410.2.1 through 3410.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S and U. These provisions shall not apply to buildings in Group H or I.

Section 8-03 to 8-05. Reserved.

ARTICLE II. RESIDENTIAL CODE

Section 8-06. Adoption of residential code. That a certain document, a copy of which is on file in the office of the Code Official of the City of Kankakee, being marked and designated as the International Residential Code, 2003 edition (Excluding Appendices A through J) as published by the International Code Council, be and is hereby adopted as the Residential Code of the City of Kankakee, in the State of Illinois, regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of such Residential Code on file in the office of the Code Official are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed herein.

Section 8-07. Revisions to residential code. The following additions, insertions, deletions and changes are hereby made:

R101.1 Title. These provisions shall be known as the Residential Code for One- and Two-Family Dwellings of the City of Kankakee, Kankakee County, Illinois hereinafter referred to as “this code.”

R105.2 Work exempt from permit.

Building:

#1 **Replace** “200” with “60”.

#2 **Delete** entire sentence.

#5 **Delete** entire sentence.

R105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 30 days after its issuance, or if the work authorized on the site by such permit is not completed within 180 days after issuance of the permit. The Building Official or Authorized Building Inspector are authorized to grant one or more extensions of time, for periods not to exceed 60 days each. The extension shall be requested in writing and justifiable cause demonstrated.

R106.2.1 Plats required. New construction requires, Top of Foundation Plat (TOF) with elevation of

walls and set back requirement. This plat shall be submitted with an Illinois licensed surveyor seal and reviewed after the foundation walls are set and before any more construction continues. As part of the final Inspection for the certificate of occupancy, an engineer sealed plot plan showing the TOF as built conformance of the final topography of the lot with the approved Grading plan.

R108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule specified in Section 108 of the International Building Code, as revised by Section 8-02 of this Ordinance.

SECTION 112 APPEALS

112.1 General. Appeals of orders, decisions or determinations of authorized city staff relative to the application and interpretation of the *International Residential Code*, and its revisions with this Ordinance, shall be made in accordance with the provisions of Article I, Section 8-02 of this Ordinance, i.e., revision of Section 112 of the *International Building Code*.

TABLE R301.2 (1)

CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

Ground Snow Load = 15, Wind Speed = 90 mph, Seismic Design Category = B, Weathering = Severe, Frost Line Depth = 42 inches, Termite = Moderate to heavy, Decay = Slight to moderate, Winter Design Temp = 0°F, Ice Shield Underlayment Required = Yes, Flood Hazards = May 5, 2003, Air Freezing Index = 1,500, Mean Annual Temp = 49.9°F.

SECTION R305.1 Minimum height Habitable rooms including finished or unfinished basements shall have a minimum ceiling height of not less than 7 feet 6 inches. Not more than 50 percent of the required area may have a sloped ceiling less than 7 feet 6 inches in height with no portion of the required area less than 5 feet in height.

Exceptions:

1. Beams and girders may **not** project more than 10-inches below the required ceiling height.
2. Duct or other obstructions may project to within 6-feet 8-inches of the finished floor.
3. Kitchens, Bathrooms, and hallway may have a ceiling height of 7-feet from finished floor to finished ceiling
4. Not more than 50% of the required floor area of a room is permitted to have a slope ceiling less than 7-feet 6-inches with no portion of the required floor area less than 5-feet in height.

Section R309.2 Separation required.

Replace the wording “1/2 inch Gypsum Board” with “5/8 fire rated gypsum board”.

ADD “All joints, Nail heads, holes, and cracks shall be taped and spackled. The perimeter of the parking area adjacent to any occupiable space shall be curbed to a minimum height of 4-inches above the finished surface of the garage floor and at a width of not less than 4-inches.

Section R310.1 Emergency escape and rescue required.

Delete the wording “with habitable space” (Basements are required escape windows)

Section R313.1 Single and multiple-station smoke alarms.

Add 4. In Attics or crawl spaces with mechanical equipment, Smoke alarms are required.

Section 313.3 Carbon Monoxide Detector.

CO Detectors shall be installed within fifteen feet of sleeping areas IAW Illinois State Code.

Section R317.1 Two-Family Dwelling.

Replace the wording “by wall and /or floor assembly of not less than 1-hour” with “by a Non-Combustible wall and/or floor assembly of not less than 2-hour rating”.

Delete Exception.

Section R317.2 Townhouses.

Delete the wording “meeting the requirements of section R302 for exterior walls” and Insert the wording “of Non-Combustible walls of not less than 2-hour rating”.

Section 402.1 Wood Foundations

Delete Section R402.1 Wood Foundations in its entirety and replace with:
“Wood Foundations and Wood footings are prohibited in the City of Kankakee.”

Section R405.2.3.1 Sump pump Drainage. In new construction, sump pumps shall be connected to the storm drains

Section R408 Under-Floor Space

Delete Section R408.3 Access in its entirety and rename as follows:

Section R408.3 Height. The minimum clearance from the surface of the Under-floor area to the bottom of the lowest point of the floor joists shall be 36”. Mechanical fixtures suspended between or under the floor joists shall not be less than 30 inches.

Section R408.3.1 Access An access crawl hole of not less than 30 inches by 22 inches shall be provided to the under-floor space

Change **Section R408.5 Finished grade in its entirety to** “The finished grade of under-floor surface may be located at the bottom of the footing. The floor shall be constructed of a minimum of 4” of crushed stone, a vapor barrier, and topped with minimum of 2 inches of concrete. The concrete shall be sloped toward a floor drain.

Section R503 Floor Sheathing

Section R503.2 Wood Panel Sheathing. Sub floors shall be a tongue & groove type, Sized IAW Table R503.2.1

Section R503.2.3 Installation. All Sub-floors shall be glued to the joist with sub-floor adhesive with screws or ring shank nails sized and spaced IAW the appropriate tables.

Section R907.3 Recovering versus replacement (Roofing)

Add #4. Where the first shingles Installed are architectural style shingles.

Section M1305.1.3 Appliances in Attics.

Insert the wording “with a fixed ladder, folding stairs, or a permanent stair case” Between “access shall be provided” and “with an opening”.

Chapter 25 to 32 Part VII - Plumbing.

The adopted Illinois State Plumbing Code and the City Code, Section 9-2, Chapter 2, has precedence over the International Residential Code.”

Chapter 33 to 42 Part VIII - Electrical.

The adopted National Electric Code and the City Code 9-3-1 Chapter 3, has precedence over the International Residential Code.”

P2603.6.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be a minimum of 42 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 42 inches

below grade.

P3103.1 Roof extension. All open vent pipes which extend through a roof shall be terminated at least 42 inches above the roof or 42 inches above the anticipated snow accumulation, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet (2134 mm) above the roof.

Section 8-08 to 8-10. Reserved.

ARTICLE III. MECHANICAL CODE

Section 8-11. Adoption of mechanical code. That a certain document, a copy of which is on file in the office of the Code Official of the City of Kankakee, being marked and designated as the *International Mechanical Code, 2003 edition* (Excluding Appendices A & B) as published by the International Code Council, be and is hereby adopted as the Mechanical Code of the City of Kankakee, in the State of Illinois regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, citations and terms of said Mechanical Code on file in the office of the Code Official are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed herein.

Section 8-12. Revisions to mechanical code. The following additions, insertions, deletions and changes are hereby made:

101.1 Title. These regulations shall be known as the *Mechanical Code* of the City of Kankakee, Kankakee County, Illinois, hereinafter referred to as “this code.”

106.4.3 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 30 days after its issuance, or if the work authorized on the site by such permit is not completed within 180 days after issuance of the permit. The Building Official or Authorized Building Inspector are authorized to grant one or more extensions of time, for periods not to exceed 60 days each. The extension shall be requested in writing and justifiable cause demonstrated.

106.5.2 Fee schedule. The fees for mechanical work shall be as specified in Section 108 of the *International Building Code*, as revised by Section 8-02 of this Ordinance.

106.5.3 Fee refunds. The code official is authorized to establish a refund policy “50%, 0”

108.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof, or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a municipal code violation, punishable by a fine of not less than \$100.00 dollars or more than \$750.00 dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

108.5 Stop work orders. Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or the owner’s agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system 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 guilty of a municipal code violation, punishable by a fine as prescribed in Section 108.4.

SECTION 109 APPEALS

109.1 General. Appeals of orders, decisions or determinations of authorized city staff relative to the application and interpretation of the *International Mechanical Code*, and its revisions with this Ordinance, shall be made in accordance with the appeal provisions of Article I, Section 8-02 of this Ordinance, i.e., revision of Section 112 of the *International Building Code*.

ARTICLE IV GAS CODE

Section 8-13. Adoption of Gas Code. That a certain document, a copy of which is on file in the office of the Code Official of the City of Kankakee, being marked and designated as the *International Gas Code, 2003 edition* (Excluding Appendices A & B) as published by the International Code Council, be and is hereby adopted as the Mechanical Code of the City of Kankakee, in the State of Illinois regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, citations and terms of said Mechanical Code on file in the office of the Code Official are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed herein.

Section 8-14. Revisions to Gas code. The following additions, insertions, deletions and changes are hereby made:

Section 101.1 insert: City of Kankakee, Kankakee County, Illinois.

106.4.3 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 30 days after its issuance, or if the work authorized on the site by such permit is not completed within 180 days after issuance of the permit. The Building Official or Authorized Building Inspector is authorized to grant one or more extensions of time, for periods not to exceed 60 days each. The extension shall be requested in writing and justifiable cause demonstrated.

106.5.2 Fee schedule. The fees for mechanical work shall be as specified in the *International Building Code*, as revised by Section 8-02 of this Ordinance.

Sections 106.5.3 Insert: “50%, 0%”

108.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof, or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a municipal code violation, punishable by a fine of not less than \$100.00 dollars or more than \$750.00 dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

SECTION 109 APPEALS

109.1 General. Appeals of orders, decisions or determinations made by the code (or building) official relative to the application and interpretation of the *International Gas Code*, and its revisions within this Ordinance, shall be made in accordance with the provisions of Section 112 of the *International Building Code*.

409.1 Shut off valve in fire place. Equipment shut off valves located in the fire box of a fire place shall be installed in accordance with the appliance manufacturer’s instructions. “An additional shutoff valve shall be installed outside the firebox within 6 feet of the appliance.”

Section 8-15. Reserved.

ARTICLE V. PROPERTY MAINTENANCE CODE*

Section 8-16. Adoption of property maintenance code. That a certain document, a copy of which is on file in the

office of the Code Official of the City of Kankakee, being marked and designated as the *International Property Maintenance Code, 2009 edition*, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Kankakee, in the State of Illinois, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Code Official of the City of Kankakee are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed herein.

Section 8-17. Revisions to property maintenance code. The following additions, insertions, deletions and changes are hereby made:

101.1 Title. These regulations shall be known as the Property Maintenance Code of the City of Kankakee, Kankakee County, Illinois hereinafter referred to as "this code."

103.5 Fees. The fees for activities and services performed by the City of Kankakee and its Departments in carrying out its responsibilities under this code shall be as established by the corporate authorities, or as otherwise provided herein. Each day that a violation continues after due notice shall be deemed a separate offence.

106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a municipal code violation. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant to thereto. Any action taken by the authority having jurisdiction 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.

106.4 Any person found to be in violation of any provision of this Ordinance shall be fined not less than One Hundred (\$100) Dollars nor more than Seven Hundred Fifty (\$750) Dollars for each offense.

107.2 Form. Such notice prescribed in Section 107.1 shall be in accordance with all of the following;

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being sent.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
5. Inform the authorized agent or owner of the right to appeal subject to the provisions set forth in Section 112 of the International Building Code, as revised by Section 80-2 of this Ordinance.

107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is;

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or,
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

Service of such notice shall be presumed sufficient if served upon the last person identified as the owner of the premises as shown in the official records of the Office of the Supervisor of Assessments of Kankakee County, Illinois.

109.2.1 Boarding of Buildings. Boarding is a temporary solution to prevent unauthorized entry into a building and that boarded buildings are a public nuisance. A building may not remain boarded longer than six (6) months unless an extension of that time is part of a plan approved by the Building Official.

109.2.2 Board-up Standards.

The following are the specifications for board-up within the City of Kankakee:

- Plywood shall be half inch exterior CDX only.
- Two and a half inch galvanized wood screws to be used, four to six inches on center.
- Plywood to be inset in window frames.
- Approval by the department is needed for any variations of wood inset on individual properties.
- All plywood to be painted with exterior flat black paint.
- All plywood shall be painted prior to installation.
- Removal of window framing is prohibited.
- Addresses of properties shall be added to any premise that lacks the minimum requirement of four inches tall and a half inch stroke width.
- One Door to the structure shall be available for authorized entry and shall be secured and locked in an approved manner.
- Board-up debris removal is required.
- All board-ups are to be done in a workmanlike manner.

SECTION 111 APPEALS

111.1 General. Appeals of orders, decisions or determinations of authorized city staff relative to the application and interpretation of the *International Property Maintenance Code*, and its revisions within this Ordinance, shall be made in accordance with the appeal provisions of Article I, Section 8-02 of this Ordinance, i.e., revision of the *International Building Code*.

SECTION 112 LICENSING OF DWELLINGS

112.1 Requirement for license. No person, corporation or other entity shall rent, lease or allow a person other than the legal owner to occupy any dwelling unit within the City of Kankakee, unless the City of Kankakee has issued a current unrevoked operating license in the name of the legal owner of record for the specific dwelling unit.

112.2 Initial license. An initial operating license shall be issued upon the inspection of the premises and the determination by the City of Kankakee that the premises are in compliance with the applicable Property Maintenance, Fire and Life Safety Codes as amended. Upon the issuance of an initial license, every operating license, with the exception of Section 8 properties which shall require a 1 year annual operating license, shall be issued for a period of 2 years from its date of issuance, unless sooner revoked as provided pursuant to the applicable sections of this code.

112.3 Applications for license. All applications for operating licenses shall be submitted on forms provided by the City of Kankakee and shall be verified by the legal owners of record. In the event that the legal owner of the premises designates a manager or agent other than the legal owner to be responsible for the maintenance or leasing of said premises, the name, address and phone number of the designated manager and/or agent shall also be included upon the application and the application shall also be verified by the manager/agent.

112.4 Inspection to be accomplished and effective failure to pass inspection. Upon receipt of a fully completed application, the City of Kankakee shall within 30 days of receipt of the completed application, schedule and conduct an inspection of the premises for which a license is sought. A license shall be sought for

each dwelling unit, however, all dwelling units within a building shall be inspected simultaneously. The City shall refuse to issue an operating license for a building if any dwelling unit is found, after either the initial or any subsequent inspections, not to meet all applicable requirements of all codes of the City of Kankakee and statutes of the State of Illinois. In the event that a property, upon inspection, fails to pass said codes, the City of Kankakee and the owner shall schedule a re-inspection. In the event that any building fails to meet the code on the second inspection, the City of Kankakee shall conduct additional inspections as necessary to assure compliance with applicable codes. However, the third inspection after application shall require the payment of a \$100.00 dollars fee for the purposes of paying for said inspection. Each additional inspection shall require payment of \$750.00 dollars for each such inspection. All payments shall be required prior to the inspections occurring.

112.5 Application information required. All applications for operating license shall include the name and address of the tenants who are or will be residing in said dwelling unit and the total number of persons residing in said unit. If the property has not been leased at the time of the inspection, the license holder shall supply the names of the tenants within 30 days of the commencement date of the lease. It is the duty of the license holder to supply the identity of the tenant within 30 days after a change of occupancy. A change of occupancy is defined as the elimination of occupancy by one tenant and the initiation of occupancy of the dwelling unit by a different tenant.

112.6 Schedule of inspections. Sixty days prior to the expiration of an operating license, the City shall send a "Notice of Renewal Inspection" to the owner or designated manager/agent setting forth the requirement of the owner or manager/agent to schedule an inspection. The property shall thereupon be inspected for verification that the property continues to meet all applicable codes, statutes and regulations adopted by the City of Kankakee and the State of Illinois. Renewal licenses shall be issued upon a determination by the inspector that the building and all dwelling units within said building meets all applicable codes, statutes and regulations adopted by the City of Kankakee and the State of Illinois. Inspection or re-inspection procedures and costs for renewals of operating licenses shall be the same as for the initial operating license.

112.7 Alternate dates. Owners and designated managers/agents shall be allowed to reschedule an inspection on one occasion within the 30 day inspection period. Refusal to make the building or any dwelling unit within said building available for inspection on the designated date or on the one rescheduled date shall be grounds for revocation of the rental license.

112.8 Transfer of ownership. In addition to renewal inspections, inspections shall also be required to occur within 30 days of any transfer of ownership. Transfer of ownership shall be defined by the delivery of deed or by the notice of intent to transfer title by a contract lawfully recorded in office of the Kankakee County Records Office. In the event the property is not sold by recorded contract, the person whose name is currently shown as the owner on the last recorded title shall remain solely responsible for the renewal of this license until such time as a transfer of ownership is recorded. Inspection or reinspection procedures and costs for an issuance of operating license upon transfer of ownership shall be the same as for the initial license described herein. The grantor of any contract shall remain liable for any violations that have been identified and documented by the City of Kankakee Code Department prior to the said transfer.

112.9 Complaint inspection. Inspection shall also take place within 5 days upon the receipt by the City of Kankakee of a report of a suspected violation of the codes of the City of Kankakee. An inspection shall also take place in the event that a complaint is made by either the tenant or by an occupant of the rental building or by any law enforcement agency or government official. The license holder shall be provided with a written summary of the complaint and with the results of the inspection upon its completion. Follow up inspections shall also occur with reasonable notice given to the license holder to determine whether deficiencies found in previous inspections have been corrected. Compliant inspections shall not be based upon anonymous complaints.

112.10 Information provided by the city. The City of Kankakee shall provide all information which it may legally provide regarding prior written police contacts or prior residential addresses of any tenant candidates to license holders upon a written request, which request shall include authorization by the prospective tenant to

release said information.

112.11 Limit on occupancy. No operating license shall be issued or renewed unless the applicant verifies on the application for operating license that they have limited or will limit the number occupants so as not to exceed the minimum area requirements of this code pursuant to Section 404.5.

112.12 Designation of manager/agent. No operating license shall be issued or renewed if the property owner is not a resident of the County of Kankakee, unless the legal owner of record designates, in writing to the City, the name of a City or County of Kankakee resident, 18 years or older, as their designated manager/agent for the receipt of service of “Notice of Violation” pursuant to the provisions of this code and for service of process pursuant to this code. Service of notice or process pursuant to this code shall be upon either the legal owner of record or the designated manager/agent.

112.13 Revocation of license. An operating license which has been previously issued shall be revoked if, following an inspection pursuant to this code, any dwelling unit within a rental building fails to meet all applicable requirements of all codes of the City of Kankakee and statutes of the State of Illinois. Upon the inspection determining that said property fails to meet said codes, a “Notice of Revocation” shall be issued. A copy of the notice of revocation shall be issued to all tenants living within the property which is the subject matter of the revocation. Upon notice of revocation all tenants may be required to vacate the premises, which are the subject of the revoked license. A legal owner of record may appeal the notice of revocation in accordance to the provisions set forth in section 111.1 of the International Property Maintenance Code, as revised by Section 8-02 of this Ordinance.

112.14 Effect of revocation of license. If a license is revoked, the property or any individual dwelling unit failing to comply with all applicable codes shall immediately be vacated and may not be occupied again until all code violations have been repaired and completed. Reinstatement of the revoked license will be authorized once all violations are in compliance. In the event of a revocation of the license, said property shall remain unoccupied for a period of 30 days from the date of the notice of revocation or upon issuance of a temporary license or proof of compliance with applicable codes, whichever is less.

112.15 Transferability of license. No operating license shall be transferable to another person or entity or another dwelling unit. Each person holding an unrevoked operating license shall give notice, in writing, to the City within 10 working days after having transferred or otherwise disposing of the legal control of any licensed dwelling unit. Such notice shall include the name and address of the person or persons succeeding to the ownership or control of such dwelling unit.

112.16 Lease provisions. All applicants for operating licenses under this code shall include in all written leases a provision which requires the tenants to permit the inspection of the premises which are the subject matter of the lease, said inspection to be conducted by a representative of the City of Kankakee. Said provision shall refer to Section 104.4.

112.17 Inspection checklist. All owners and authorized agents shall be provided the Property Maintenance and Housing Inspection Checklist prior to the initial rental license inspection of a property.

112.18 Additional inspections. In addition to the initial and biennial inspections, license holders may request additional inspections not to exceed two per year, for the purpose of ascertaining the conditions of the premises which are the subject of the license. The reports of these inspections shall be made available to the license holder upon the completion of said inspection. Said inspections, when requested by the license holder, shall be at no additional expense.

112.19 Renewal of license. No operating license may be renewed unless an application therefore has been made prior to the expiration of the existing operating license. In the event that a license is sought after the expiration date of the current license, the applicant for the license shall pay an additional fee of \$100.00 dollars for said license. Upon payment of the fee and the property being determined to be in compliance with all applicable rules

and regulations and ordinances of the City of Kankakee and statutes of the State of Illinois, a license will thereupon be issued.

112.20 Minor violations. Whenever, upon inspection of a rental building, the City of Kankakee determines that conditions or practices exist which are in violation of any provision of this code, or any applicable code, statutes, rules or regulations adopted pursuant thereto, a notice of such violations shall be served upon the owner or designated manager/agent in the manner provided herein. A temporary license may be issued by the City of Kankakee provided:

- (1) That the violations do not present a condition of immediate danger or hazard to the life, safety or health of the tenants or occupants of dwelling unit, and,
- (2) That the owner or the operator has submitted a written plan to the City of Kankakee to assure complete compliance within a 60 day period. An additional 60 day period may be allowed solely due to weather conditions. Said extension may be granted only by the code official supervising the department. A building is in complete compliance when it complies with all applicable rules, regulations and ordinances of the City of Kankakee and statutes of the State of Illinois. A temporary license shall expire on the first day following the date of plan completion as agreed upon by the owner and/or designated manager/agent and the City of Kankakee in accordance with the written compliance plan.

112.21 Reinspection. In the event that, upon inspection, it is determined by a representative of the City of Kankakee that a time period should be allowed for the corrections of any violations cited, at the end of such time period, the City of Kankakee shall reinspect any dwelling unit for which corrections are to be made. The time period for the corrections shall be the subject of an agreement between the City of Kankakee and the holder of the license or, in the event that said agreement cannot be obtained, shall be solely in the discretion of the City of Kankakee based upon allowance for a reasonable period of time to complete the compliance with the alleged violations. In the event that at the termination of such a time period, it is determined that such violations have not been corrected, the City of Kankakee shall issue an order to the license holder revoking the current operating license. Said revocations shall occur in accordance with all provisions of this code. Owners requesting reinspection's following a revocation shall pay costs in accordance with this code as if the inspection following revocation were the third such inspection.

1. **112.22 Issuance of license.** If upon reinspection, the City of Kankakee determines that the dwelling unit in connection with which the notice was issued for suspension or revocation has come into compliance with all applicable code, statutes, rules and regulations, the City shall issue a biennial license.

112.23 Appeal process. Appeal orders, decisions or determinations of authorized city staff relative to the application and interpretation of the *International Residential Code*, and its revisions of this Ordinance, shall be made in accordance with the appeal provisions of Article I, Section 8-02 of this Ordinance, i.e. revision of Section 112 of the *International Building Code*..

112.24 Landlord's consent for inspections. All applicants for operating licenses pursuant to this code shall be presumed to have given consent for the inspections of the property described in the license. In the event that a tenant refuses to consent to the inspection of the rental dwelling unit, while the tenant has possession thereof, the City of Kankakee is expressly empowered to obtain an administrative warrant for purposes of conducting said inspections. Any required inspection pursuant to this code shall be presumed to establish probable cause for the issuance of said warrant. In the event that such a warrant is sought, the notice shall be given to the license holder and the tenant regarding the issuance of the warrant. Delivery of a copy of the actual warrant shall be sufficient notice to comply with this section.

112.25 Time for inspections. All inspections herein shall be conducted between 9:00 A.M. and 3:30 P.M. on Monday through Friday, except in emergency situations in which the life, health and/or safety of any individual is threatened. Upon agreement by the applicant and the City, inspections may occur at other hours as the parties

may agree.

2. **112.26 Notice of inspections.** Notice shall be given to the owner or designated manager/agent and tenant of a licensed dwelling unit at least 5 days in advance of any scheduled inspection, except in those situations in which there is a reasonable suspicion to believe that conditions exist which present a threat to the health or safety of the occupants therein; or a complaint lodged by the occupants of the dwelling unit; or a request made by a prospective tenant accompanied by the written consent of the owner or designated manager/agent.

112.27 Tenants' responsibilities. It shall be the tenant's responsibility under this code as follows:

The tenant shall:

- (1) Comply with all obligations imposed upon them by provisions of the codes, statutes, rules and regulations applicable to the dwelling unit;
- (2) Maintain the dwelling unit and the premises of said dwelling unit occupied by said tenant in as safe a condition as the condition of the premises permits;
- (3) Keep all plumbing fixtures in the dwelling unit as clean as their condition permits;
- (4) Dispose from the tenant's dwelling unit all solid waste, rubbish, and other waste in a clean and safe manner and assure that the property upon which the dwelling unit is located is kept free from solid waste, rubbish and other waste;
- (5) Use in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air conditioning and other facilities, fixtures and appliances;
- (6) Not deliberately or negligently destroy, deface, damage, impair or remove any part of the premises or knowingly permit any other person to do so;
- (7) Conduct him or herself and require other persons invited by him on the premises or present with his consent, to conduct themselves in a manner that will not disturb that tenant's neighbor's peaceful enjoyment of the premises;

113.1 Requirement for license. No person, corporation or other entity shall rent, lease or allow a person other than the legal owner to occupy any dwelling unit within the City of Kankakee, unless the City of Kankakee has issued a current unrevoked operating license in the name of the legal owner of record for the specific dwelling unit.

113.2 Initial license. An initial operating license shall be issued upon the inspection of the premises and the determination by the City of Kankakee that the premises are in compliance with the applicable Property Maintenance, Fire and Life Safety Codes as amended. Upon the issuance of an initial license, every operating license, with the exception of Section 8 properties which shall require an annual inspection, shall be issued for a period of 3 years from its date of issuance, unless sooner revoked as provided pursuant to the applicable sections of this code.

113.3 Applications for license. All applications for operating licenses shall be submitted on forms provided by the City of Kankakee along with Sixty dollar fee (\$60.00) and shall be verified by the legal owners of record. In the event that the legal owner of the premises designates a manager or agent other than the legal owner to be responsible for the

maintenance or leasing of said premises, the name, address and phone number of the designated manager and/or agent shall also be included upon the application and the application shall also be verified by the manager/agent.

113.4 Inspection to be accomplished and effect of failure to pass inspection. Upon receipt of a fully completed application, the City of Kankakee shall within 30 days of receipt of the completed application, schedule and conduct an inspection of the premises for which a license is sought. A license shall be sought for each dwelling unit; however, all dwelling units within a building shall be inspected simultaneously. The City shall refuse to issue an operating license for a building if any dwelling unit is found, after either the initial or any subsequent inspections, not to meet all applicable requirements of all codes of the City of Kankakee and statutes of the State of Illinois. In the event that a property, upon inspection, fails to pass said codes, the City of Kankakee and the owner shall schedule a re-inspection. In the event that any building fails to meet the code on the second inspection, the City of Kankakee shall conduct additional inspections as necessary to assure compliance with applicable codes. However, the third inspection after application shall require the payment of a \$100.00 dollars fee for the purposes of paying for said inspection. Each additional inspection shall require payment of \$300.00 dollars for each such inspection. All payments shall be required prior to the inspections occurring.

113.5 Application information required. All applications for operating license shall include the name and address of the tenants who are or will be residing in said dwelling unit and the total number of persons residing in said unit. If the property has not been leased at the time of the inspection, the license holder shall supply the names of the tenants within 30 days of the commencement date of the lease. It is the duty of the license holder to supply the identity of the tenant within 30 days after a change of occupancy. A change of occupancy is defined as the elimination of occupancy by one tenant and the initiation of occupancy of the dwelling unit by a different tenant.

113.6 Schedule of inspections. Sixty days prior to the expiration of an operating license, the City shall send a "Notice of Renewal Inspection" to the owner or designated manager/agent setting forth the requirement of the owner or manager/agent to schedule an inspection. The property shall thereupon be inspected for verification that the property continues to meet all applicable codes, statutes and regulations adopted by the City of Kankakee and the State of Illinois. Renewal licenses shall be issued upon a determination by the inspector that the building and all dwelling units within said building meets all applicable codes, statutes and regulations adopted by the City of Kankakee and the State of Illinois. Inspection or re-inspection procedures and costs for renewals of operating licenses shall be the same as for the initial operating license.

113.7 Alternate dates. Owners and designated managers/agents shall be allowed to reschedule an inspection on one occasion within the 30 day inspection period. Refusal to make the building or any dwelling unit within said building available for inspection on the designated date or on the one rescheduled date shall be grounds for revocation of the rental license.

113.8 Transfer of ownership. In addition to renewal inspections, inspections shall also be required to occur within 30 days of any transfer of ownership. Transfer of ownership shall be defined by the delivery of deed or by the notice of intent to transfer title by a contract lawfully recorded in office of the Kankakee County Recorders Office. In the event the property is not sold by recorded contract, the person whose name is currently shown as the owner on the last recorded title shall remain solely responsible for the renewal of this license until such time as a transfer of ownership is recorded. Inspection or reinspection procedures and costs for an issuance of operating license upon transfer of ownership shall be the same as for the initial

license described herein. The grantor of any contract shall remain liable for any violations that have been identified and documented by the City of Kankakee Code Department prior to the said transfer.

113.9 Complaint inspection. Inspection shall also take place within 5 days upon the receipt by the City of Kankakee of a report of a suspected violation of the codes of the City of Kankakee. An inspection shall also take place in the event that a complaint is made by either the tenant or by an occupant of the rental building or by any law enforcement agency or government official. The license holder shall be provided with a written summary of the complaint and with the results of the inspection upon its completion. Follow up inspections shall also occur with reasonable notice given to the license holder to determine whether deficiencies found in previous inspections have been corrected. Compliant inspections shall not be based upon anonymous complaints.

113.10 Information provided by the city. The City of Kankakee shall provide all information which it may legally provide regarding prior written police contacts or prior residential addresses of any tenant candidates to license holders upon a written request, which request shall include authorization by the prospective tenant to release said information.

113.11 Limit on occupancy. No operating license shall be issued or renewed unless the applicant verifies on the application for operating license that they have limited or will limit the number occupants so as not to exceed the minimum area requirements of this code pursuant to Section 404.5.

113.12 Designation of manager/agent. No operating license shall be issued or renewed if the property owner is not a resident of the County of Kankakee, unless the legal owner of record designates, in writing to the City, the name of a City or County of Kankakee resident, 18 years or older, as their designated manager/agent for the receipt of service of "Notice of Violation" pursuant to the provisions of this code and for service of process pursuant to this code. Service of notice or process pursuant to this code shall be upon either the legal owner of record or the designated manager/agent.

113.13 Revocation of license. An operating license which has been previously issued shall be revoked if, following an inspection pursuant to this code, any dwelling unit within a rental building fails to meet all applicable requirements of all codes of the City of Kankakee and statutes of the State of Illinois. Upon the inspection determining that said property fails to meet said codes, a "Notice of Revocation" shall be issued. A copy of the notice of revocation shall be issued to all tenants living within the property which is the subject matter of the revocation. Upon notice of revocation all tenants may be required to vacate the premises, which are the subject of the revoked license. A legal owner of record may appeal the notice of revocation in accordance to the provisions set forth in section 111.1 of the International Property Maintenance Code, as revised by Section 8-02 of this Ordinance.

113.14 Effect of revocation of license. If a license is revoked, the property or any individual dwelling unit failing to comply with all applicable codes shall immediately be vacated and may not be occupied again until all code violations have been repaired and completed. Reinstatement of the revoked license will be authorized once all violations are in compliance. In the event of a revocation of the license, said property shall remain unoccupied for a period of 30 days from the date of the notice of revocation or upon issuance of a temporary license or proof of compliance with applicable codes, whichever is less.

113.15 Transferability of license. No operating license shall be transferable to another person or entity or another dwelling unit. Each person holding an unrevoked operating license shall give notice, in writing, to the City within 10 working days after having transferred or otherwise disposing of the legal control of any licensed dwelling unit. Such notice shall include the name

and address of the person or persons succeeding to the ownership or control of such dwelling unit.

113.16 Lease provisions. All applicants for operating licenses under this code shall include in all written leases a provision which requires the tenants to permit the inspection of the premises which are the subject matter of the lease, said inspection to be conducted by a representative of the City of Kankakee. Said provision shall refer to Section 104.4.

113.17 Inspection checklist. All owners and authorized agents shall be provided the Property Maintenance and Housing Inspection Checklist prior to the initial rental license inspection of a property.

113.18 Additional inspections. In addition to the initial and 3 year inspections, license holders may request additional inspections not to exceed two per year, for the purpose of ascertaining the conditions of the premises which are the subject of the license. The reports of these inspections shall be made available to the license holder upon the completion of said inspection. Said inspections, when requested by the license holder, shall be at no additional expense.

113.19 Renewal of license. No operating license may be renewed unless an application and inspection fee has been made prior to the expiration of the existing operating license. In the event that a license is sought after the expiration date of the current license, the applicant for the license shall pay an additional fee of \$100.00 dollars for said license. Upon payment of the fee and the property being determined to be in compliance with all applicable rules and regulations and ordinances of the City of Kankakee and statutes of the State of Illinois, a license will thereupon be issued.

113.20 Minor violations. Whenever, upon inspection of a rental building, the City of Kankakee determines that conditions or practices exist which are in violation of any provision of this code, or any applicable code, statutes, rules or regulations adopted pursuant thereto, a notice of such violations shall be served upon the owner or designated manager/agent in the manner provided herein. A temporary license may be issued by the City of Kankakee provided:

- (1) That the violations do not present a condition of immediate danger or hazard to the life, safety or health of the tenants or occupants of dwelling unit, and,
- (2) That the owner or the operator has submitted a written plan to the City of Kankakee to assure complete compliance within a 60 day period. An additional 60 day period may be allowed solely due to weather conditions. Said extension may be granted only by the code official supervising the department. A building is in complete compliance when it complies with all applicable rules, regulations and ordinances of the City of Kankakee and statutes of the State of Illinois. A temporary license shall expire on the first day following the date of plan completion as agreed upon by the owner and/or designated manager/agent and the City of Kankakee in accordance with the written compliance plan.

113.21 Reinspection. In the event that, upon inspection, it is determined by a representative of the City of Kankakee that a time period should be allowed for the corrections of any violations cited, at the end of such time period, the City of Kankakee shall reinspect any dwelling unit for which corrections are to be made. The time period for the corrections shall be the subject of an agreement between the City of Kankakee and the holder of the license or, in the event that said agreement cannot be obtained, shall be solely in the discretion of the City of Kankakee based upon allowance for a reasonable period of time to complete the compliance with the alleged violations. In the event that at the termination of such a time period, it is determined that such violations have not been corrected, the City of Kankakee shall issue an order to the license holder revoking the current operating license. Said revocations shall occur in accordance with all provisions of this code. Owners requesting reinspection's following a revocation shall pay costs in accordance with this code as if the inspection following revocation

were the third such inspection.

113.22 Issuance of license. If upon reinspection, the City of Kankakee determines that the dwelling unit in connection with which the notice was issued for suspension or revocation has come into compliance with all applicable code, statutes, rules and regulations, the City shall issue a biennial license.

113.23 Appeal process. Appeals of orders, decisions or determinations of authorized city staff relative to the application and interpretation of the *International Residential Code*, and its revisions in this Ordinance, shall be made in accordance with the appeal provisions of Article I, Section 8-02 of this Ordinance, i.e., revision of Section 112 of the *International Building Code*.

113.24 Landlord's consent for inspections. All applicants for operating licenses pursuant to this code shall be presumed to have given consent for the inspections of the property described in the license. In the event that a tenant refuses to consent to the inspection of the rental dwelling unit, while the tenant has possession thereof, the City of Kankakee is expressly empowered to obtain an administrative warrant for purposes of conducting said inspections. Any required inspection pursuant to this code shall be presumed to establish probable cause for the issuance of said warrant. In the event that such a warrant is sought, the notice shall be given to the license holder and the tenant regarding the issuance of the warrant. Delivery of a copy of the actual warrant shall be sufficient notice to comply with this section.

113.25 Time for inspections. All inspections herein shall be conducted between 9:00 A.M. and 3:30 P.M. on Monday through Friday, except in emergency situations in which the life, health and/or safety of any individual is threatened. Upon agreement by the applicant and the City, inspections may occur at other hours as the parties may agree.

113.26 Notice of inspections. Notice shall be given to the owner or designated manager/agent and tenant of a licensed dwelling unit at least 5 days in advance of any scheduled inspection, except in those situations in which there is a reasonable suspicion to believe that conditions exist which present a threat to the health or safety of the occupants therein; or a complaint lodged by the occupants of the dwelling unit; or a request made by a prospective tenant accompanied by the written consent of the owner or designated manager/agent.

113.27 Tenants' responsibilities. It shall be the tenant's responsibility under this code as follows:
The tenant shall:

- (1) Comply with all obligations imposed upon them by provisions of the codes, statutes, rules and regulations applicable to the dwelling unit;
- (2) Maintain the dwelling unit and the premises of said dwelling unit occupied by said tenant in as safe a condition as the condition of the premises permits;
- (3) keep all plumbing fixtures in the dwelling unit as clean as their condition permits;
- (4) Dispose from the tenant's dwelling unit all solid waste, rubbish, and other waste in a clean and safe manner and assure that the property upon which the dwelling unit is located is kept free from solid waste, rubbish and other waste;
- (5) Use in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air conditioning and other facilities, fixtures and appliances;
- (6) Not deliberately or negligently destroy, deface, damage, impair or remove any part of the premises or

knowingly permit any other person to do so;

- (7) Conduct themselves and require other persons invited by him on the premises or present with his consent, to conduct themselves in a manner that will not disturb that tenant's neighbor's peaceful enjoyment of the premises.

Section 302.3 Sidewalks and driveways. That all sidewalks, walkways, driveways, parking spaces, and similar areas shall be paved and shall be kept in a proper state of repair and maintenance free from hazardous conditions. All parking areas shall have an improved driveway leading to said area.

Section 302.3.1 Driveway and Parking Lots surfacing. All open off street parking areas and driveways shall be improved with a compacted macadam base and surfaced with asphalt, concrete, or constructed to some comparable specifications approved by the Building Official.

Section 302.3.2 Encroachment upon right of ways. No person shall install, place, maintain, or construct any Structure, Playground Equipment, Boulders, Material, or landscaping that encroaches upon the right of way/ Street without written approval from the City Building Department.

Exceptions: Mailboxes, landscaping around trees, and Driveway aprons.

Section 302.3.3 Blocking sidewalks. No person shall block the public sidewalk or Street without prior written approval from the City.

Section 302.4 Weeds. All premises and exterior property, including fence lines, shall be maintained free from weeds or plant growth in excess of Six Inches (6) inches in height. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, trees and shrubs provided, however, this term shall not include cultivated flowers and gardens. All fence lines shall be maintained free from weeds or plant growth, in excess of 6 inches in height, that is intertwined with a fence excluding cultivated vines, hedges or shrubs.

Section 302.4.1 Weeds in fences. Any trees, grasses, annual plants and vegetation, excluding cultivated vines, hedges and shrubs, in excess of 6 inches in height, growing along a fence line and intertwined with a fence shall be prohibited.

Section 302.4.2 Grass; all premises, including vacant lots and parkways shall have grass or other forms of approved vegetation ground cover provided and maintained.

Section 302.4.3: Deposit of Grass and Rubbish Prohibited in Public Streets: It shall be unlawful for any person to dump or deposit or cause to be dumped or deposited any grass, leaves, branches, or any other things in a roadway or gutter of any public street in the city. No person shall dump, discharge or otherwise dispose of any lawn clippings or other grass material onto a street, sidewalk or public walkway in the city.

Section 302.4.4: Parkway Maintenance. The owner, occupant, or lessee of any property in the city, shall be responsible for maintaining the terrace, Parkway, and street directly adjacent to or adjacent with the property by said person occupied, between the side property lines of said premises extended to the centerlines of said street and shall on a regular basis cut grass, clean up and dispose of all refuse and solid waste found within said street as above described.

Section 302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle, or parts thereof, shall be parked, kept or stored outdoors on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Section 302.8.1 Prohibits Motor Vehicles and Recreational Vehicles parking on grass areas. All Cars, trucks, motorcycles, RVs, trailers, and boats shall be parked on an improved surface as stated in section 302.3.1 and in accordance with the Zoning Ordinance.

Section 302.50 Outdoor storage. The outdoor storage of equipment, materials or furnishings, including, but not limited to, indoor furniture, household appliances, auto parts or building materials on all residential property and premises is

prohibited. The use of exterior stairways, decks, porches and balconies for outdoor storage shall be prohibited.

Section 302.51 Trees. All premises and exterior property shall be maintained free from dead, diseased or insect infested trees or shrubs, including trees or shrubs found in whole or in part to be unsafe or otherwise present a danger to life, health, property or safety of the public or occupants of the premises.

Section 303.3 Swimming Pool Electrical Service. Electrical service to operate the filter system and or pool heater shall be a separate branch circuit protected by a Ground Fault Interrupter (GFI) located within the main circuit panel and run underground in proximity within 5 feet to the filter or heater and terminated in a weather proof disconnect. The GFI may be located either in the main distribution box or in the weather proof disconnect. Under no circumstances shall a drop chord running from an existing outdoor outlet, even though GFI protected, to the filter system or heater be permitted.

304.14 Insect screens. During the period from April 1st to December 1st, every door, window and other outside openings required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

304.19 Window and exterior door openings. The boarding over of windows and exterior door openings with plywood or other materials shall be prohibited.

Exception: Window and exterior door openings boarded over for the purpose of temporarily securing a building, structure or premises from the elements or to prevent entrance from trespassers shall be permitted provided a minimum of ½ inch exterior plywood or equivalent material is used to secure such openings; and; provided that all such windows and exterior door openings do not remain boarded-up for a period of not more than 90 days. The code official is authorized to grant one or more extensions of time, for periods of not more than 30 days each, subject to written request and demonstration of justifiable cause.

Section 304.19.1 Window Treatments; No Person shall utilize plywood, blankets, sheets, News paper, Flags, Banners, Signs, aluminum foil or other similar materials not intended or designed as window treatment.

Section 305.6.1 Keyed locks. Keyed locks or deadbolts shall be prohibited on all interior doors used to access bedrooms or other habitable spaces used or occupied for sleeping purposes, excluding lawfully established rooming units complying with the requirements of Section 304.18.1.

Section 307.3.3 Placement of containers. Solid waste containers shall not be placed at, on or near a street or alley right-of-way for pick-up more than 24 hours before, nor more that 24 hours after, the scheduled weekly pick-up day. All trash and rubbish containers shall not be stored in the front yards on non trash day. All trash and rubbish containers shall be stored behind a privacy fence or out of view from public areas.

Section 308.4 Disposal of excrement: The owner of any animal shall not permit such animal to defecate on any property unless such owner causes the excrement to be removed immediately and disposed of in a sanitary manner.

SECTION 350 LEAD BASED PAINT

Section 350.1 General. Buildings or portions thereof containing Group R 2 and R 3 occupancies and childcare facilities in Group E, I 2, and I 4 occupancies (see Chapter 3 of the International Building Code) constructed before 1978, shall be maintained in accordance with this section, unless surfaces are found, by an independent contractor certified in accordance with 40 CFR Part 745.226, to contain lead levels less than 1.0 milligrams per square centimeter or 0.5 percent lead by weight.

Section 350.2 Deteriorated paint. Peeling, chipping, flaking or abraded lead based paint shall be repaired, removed or covered.

Section 350.3 Dust and debris. Dust and debris from deteriorated lead based paint or maintenance activities that disturb lead based paint shall be removed using wet sweeping High Efficiency Particulate Air (HEPA) filtered vacuum and or detergents with a two-step rinse. After cleaning, lead contamination shall not exceed 100 micrograms per square foot (093 milligrams per square meter) for uncarpeted floors and 500 micrograms per square foot (4.65 milligrams per square meter) for interior window sills.

Section 350.4 Prohibited work practices. The following work practices shall be prohibited for lead based paint repair and removal.

1. Power abrasion, power sanding or power planing without High Efficiency Particulate Air (HEPA) filtered vacuum attachment.
2. Methylene chloride paint stripping.
3. Un contained abrasive or un contained water blasting.
4. Dry scraping more than one square foot of lead based paint per room.
5. Dry sanding.
6. Open flame burning or heat gun with a temperature greater than 1,100° F.

Section 350.5 Unsafe structures. Buildings or portions thereof containing Group R 2 and Group R 3 occupancies and childcare facilities in Group E, Group I 2 and Group I 4 occupancies (see *Chapter 3 of the International Building Code*) constructed before 1950, that the code official finds to be unfit for human occupancy or otherwise condemns in accordance with Section 110 of this code, shall not be occupied until determined to be lead safe by an independent contractor certified in accordance with 40 CFR Part 745.226.

Section 404.5 Overcrowding. Dwelling Units shall not be occupied by more occupants than permitted by the minimum area requirements of table 404.5.

Table 404.5 MINIMUM AREA REQUIREMENTS

Space	1-2 Occupants	3-5 Occupants	6 or more Occupants
Living Room	No requirement	120 SQ FT	150 SQ FT
Dining Room	No requirement	80 SQ FT	100 SQ FT
Bed Rooms	Minimum 50 SQ FT per person. See section 404.4.1		

Section 507.2 Sump pump discharge; Sump pumps are to be installed for the purpose of discharging clear water from foundation drains and ground infiltration and shall either discharge into an underground tile leading to a drainage ditch for that purpose, or shall discharge onto the ground of the property owner at least two (2) feet from the building from which the water is being pumped, and not closer than ten (10) feet from the property line. The place of discharge shall be determined at the point where the water is discharged upon the ground from pipes or other connection to the pump.

Exception: Preexisting installed drain tiles shall be allowed as long as the connection does not create a nuisance or hazardous condition.

Section 507.2.1 Water discharge from downspouts or sump pumps shall not discharge directly into the streets or across public sidewalks.

Section 602.3 Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1st to May 15th to maintain a temperature of not less than 68°F in all habitable rooms, bathrooms, and toilet rooms.

Section 602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 1st to May 15th to maintain a temperature of not less than 65°F during the period the spaces are occupied.

Section 704.2.1 Carbon Monoxide Detector. Carbon Monoxide Detectors shall be installed within fifteen feet of sleeping areas in accordance with Illinois State Code.

Section 8-18 to 8-20. Reserved.

ARTICLE VI. PLUMBING CODE

Section 8-21. Adoption of plumbing code. That a certain document, a copy of which is on file in the office of the Code Official of the City of Kankakee, being marked and designated as the Illinois Plumbing Code, as published by the Illinois Department of Public Health, be and is hereby adopted as the Plumbing Code of the City of Kankakee, in the State of Illinois, regulating and governing the construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems in the City of Kankakee; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, citations and terms of said Plumbing Code on file in the office of the Code Official are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed herein.

Section 8-22. Revisions to plumbing code. The following additions, insertions, deletions and changes are hereby made:

Section 890.1945 Appeals. Appeals of orders, decisions or determinations of authorized city staff relative to the application and interpretation of the *Illinois Plumbing Code*, and its revisions within this Ordinance, shall be made in accordance with the provisions of Section 112 of the *International Building Code*, as revised by Section 8-02 of the Ordinance.

Section 890.1960 Permits.

- a) **Required.** Any owner or authorized agent who intends to erect, install, enlarge, alter, repair, remove, convert or replace any plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the code (or building) official and obtain the required permit.
- b) **Work exempt from permit.** Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of the City of Kankakee. Permits shall not be required for the following work or as otherwise so designated in Section 105 of the International Building Code:
 - 1) The stopping of leaks in drains, water, soil, waste or vent pipe provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
 - 2) The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.
- c) **Fees.** The fees for plumbing work shall be as specified in Section 108 of the International

Building Code, as revised by Section 8-02 of the Ordinance.

Section 8-23 to 8-25. Reserved

ARTICLE VII. ELECTRICAL CODE

Section 8-26. Adoption of electrical code. That a certain document, a copy of which is on file in the office of the Code Official of the City of Kankakee, being marked and designated as the National Electrical Code, 2005 edition (Including Article 80) as published by the National Fire Protection Association, be and is hereby adopted as the Electrical Code of the City of Kankakee, in the State of Illinois, regulating and governing the installation of electric conductors, electric equipment, signaling and communications conductors and equipment, fiber optic cables and raceways, conductors and equipment that connect to the supply of electricity for public and private premises, including buildings, structures, mobile homes, recreational vehicles, floating buildings, yards, lots, parking lots, carnivals, industrial substations, and installations used by electric utilities, including office buildings, warehouses, garages, machine shops and recreational buildings that are not an integral part of a generating plant, substation or control center; by providing the standards for supplied electrical utilities and facilities essential to ensure that structures are safe and fit for occupation and use; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, citations and terms of said Electrical Code on file in the office of the Code Official are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed herein.

Section 8-27. Revisions to electrical code. The following additions, insertions, deletions and changes are hereby made:

Electrical Contractor. Any person engaged in the business of installing or altering by contract or otherwise, electrical equipment for the utilization of electricity supplied for light, heat or power, excluding: radio apparatus or equipment for wireless reception of sounds and signals; and, apparatus, conductors and other equipment installed for, or by, public utilities, including common carriers under the jurisdiction of the Illinois Commerce Commission, for use in their operation as public utilities; and, any employee employed by such electrical contractor to do supervisory work.

80.15 Appeals.

(A) General. Appeals of orders, decisions or determinations of authorized city staff relative to the application and interpretation of the *National Electrical Code*, and its revisions within this Ordinance, shall be made in accordance with the appeal provisions of Article I, Section 8-02 of this Ordinance, i.e., revision of Section 112 of the *International Building Code*.

Section 80.19(E)(1) Add the following subsection:

- (1) The fees for electrical work shall be as specified in Section 108 of the International Building Code, as revised by Section 8-02 of this Ordinance.

Section 80.19(F)(3) Delete and replace with the following:

- (2) When any portion of the electrical installation within the jurisdiction of an Electrical Inspector is to be hidden from view by the permanent placement of parts of the building, the person, firm, or corporation installing the equipment shall notify the Electrical Inspector, and such equipment shall not be concealed until it has been approved by the Electrical Inspector or until 10 days have elapsed from the time of such notification, provided that on large installations, where the concealment of equipment proceeds continuously, the person, firm, or corporation installing the equipment shall give the Electrical Inspector due notice in advance, and inspections shall be made periodically during the process of the work

(A) Certificate. All Electrical Inspectors shall be certified by a nationally recognized inspector program. The certification program shall specifically qualify the inspector in electrical inspections. No person shall be

employed as an Electrical Inspector unless that person is the holder of an Electrical Inspector's certificate of qualification, except that any person who on the date on which this law went into effect was serving as a legally appointed Electrical Inspector of the City of Kankakee shall, without examination, be permitted to continue to serve as an Electrical Inspector in the same territory.

Section 80.27(B)(3) Delete and replace with the following:

- (3) Be well versed in the statutes of the State of Illinois relating to electrical work and the National Electrical Code, as approved by the American National Standards Institute

Section 80.27(B)(4) Delete and replace with the following:

- (4) Have had at least 2 years experience as an Electrical Inspector or 3 years in the installation of electrical equipment. In lieu of such experience, the applicant shall be a graduate in electrical engineering or of a similar curriculum of a college or university considered as having suitable requirements for graduation and shall have had 2 years' practical electrical experience.

80.29 Liability for Damages. Article 80 shall not be considered to affect the responsibility or liability of any party owning, designing, operating, controlling, or installing any electric equipment for damages to persons or property caused by defect therein, nor shall the City of Kankakee or any of its employees be held as assuming any such liability by reason of the inspection, reinspection, or other examination authorized.

80.35 Effective Date. Article 80 shall take effect from and after the date of its final passage and publication as provided by law.

80.50 Licensing of Electrical Contractors

(A) License Required. It shall be unlawful for any person to engage in the business of electrical contractor (as defined in Article 80 of this Code) without being first duly licensed as an electrical contractor as set forth herein. However, if a person is currently licensed (by written examination) in another municipality within the State of Illinois, he/she shall not be required to take the examination provided for hereinafter, but shall be required to register with the City's Electrical Inspector and pay an annual registration fee as provided herein. No person shall install or alter any electrical wiring, devices or equipment, or engage in the business of an electrical contractor, unless he/she is currently licensed by the City as provided herein. The owner of a one- or two-family dwelling which he/she occupies, or intends to occupy, as his/her own residence, may install electrical wiring, devices and equipment (excluding electrical service meter cabinets, distribution breakers and fuse panels) in such dwelling, provided however that:

- (1) A permit is secured for such work as required by this Code;
- (2) An inspection be conducted and the work approved before occupancy and use of the premises; and,
- (3) All such work conforms to the requirements of this Code.

All commercial and industrial electrical wiring, devices and equipment installations shall be performed by a licensed electrical contractor possessing a Class-A license, as provided herein.

(B) Application, Qualifications and Examination.

(1) Application. Any person desiring to engage in the business of electrical contracting shall apply to the City's Electrical Inspector for a license. Electrical contractors licenses shall be divided into 2 classifications, which shall be defined as either a "Class-A" or a "Class-B" license. A "Class-A" license shall entitle the electrical contractor so licensed to engage in services encompassing all forms of electrical installation and maintenance. A "Class-B" license shall entitle the contractor so licensed to engage in services encompassing electrical installation and maintenance for one- and two-family dwellings only.

(2) Qualifications. Those persons applying for “Class-A” license shall have a minimum of 4 years experience as a journeyman electrician in all phases of electrical installation, including residential, commercial and industrial applications. Those persons applying for a “Class-B” license shall have a minimum of 2 years experience as a journeyman in one- and two-family residential wiring applications.

(3) Examination. Before an electrical contractor license is issued, the applicant, following reasonable advance notice, shall present himself/herself for written (and/or oral) examination before the City’s Electrical Inspector, at a reasonable date, place and time so determined by the Electrical Inspector. The Electrical Inspector shall examine such applicant as to his/her practical knowledge of the installation, alteration and maintenance of electrical equipment and devices, and the rules and regulations governing the installation of electrical wiring equipment and devices as set forth in this Code. In the event an applicant fails to pass the examination, he/she shall not be eligible for re-examination within 6 months of the date of his/her last examination.

(C) Fees and Expiration of License. The license fee for an electrical contractor, who has completed the required examination, as provided herein, shall be \$50.00 dollars per annum, which shall be paid by the applicant to the City upon filing for application. The license fee for an electrical contractor who is currently registered in another municipality within the State of Illinois, shall be \$100.00 dollars per annum, which sum shall be paid by the applicant to the City upon filing for the license. The license described herein shall expire on the 30th day of April of each year.

(D) Revocation and Transfer of Certificate. A license issued by the Electrical Inspector under the provisions herein may be revoked for refusal of any licensed electrical contractor to correct work which he/she has installed improperly, or for repeated and obvious lack of ability or desire to perform his/her work properly, when directed to do so by the Electrical Inspector. A license issued under the provisions herein shall not be loaned, rented, assigned or transferred.

NEC Section 110-5 Conductors. (Amend)

Conductors normally used to carry current shall be copper. The sizes given in this code shall apply to copper conductors. All provisions of this code contrary to this section shall be invalid.

Article 230 Add, all metered service entrances overhead, shall be in rigid metal conduit.

230.9 Add Section (D) “For a single family dwelling, the electric service shall not, enter the building on the rear elevation unless approved by the Building Official.

All wiring between the Meter Fitting and the inside service panel, exceeding ten (10) feet shall require the proper over current protection.”

At Article 250-52 add, new subsection (8) as follows:

The service panel must be grounded with an appropriate size conductor, to the street side of the water meter on the incoming copper water main and a grounding rod next to the service. The water main meter shall have a bond jumper.

Delete Article 310-14 in its entirety and replace as follows:

Aluminum conductor material is prohibited in any type of construction. Exception: High voltage riser systems owned by Commonwealth Edison Company

In commercial and industrial installations all switches for Fire Alarm, Burglar Alarm, Exit and Emergency Lighting Circuits, shall be equipped with mechanical lockouts to prevent an accidental turn off of the circuits.

All commercial/industrial parking facilities having moderate to heavy traffic shall require Conduit or (IMC) under the paved areas for all power and lighting installations.

Add to section 406.8 (B) All outside receptacles shall have an enclosure that is weatherproof whether or not attachments are plugged in.

Delete 680-8 Clearances. Add. No newly installed above or in ground swimming pool, hot tub, or recreational equipment capable of holding water shall be allowed within 10 feet under any aerial wiring conductors.

All electrical service wiring is to be installed along the lot lines and enter the meter fitting at ninety degrees to the lot line.

Section 8-28 to 8-30. Reserved.

ARTICLE VIII. ILLINOIS ACCESSIBILITY CODE

Section 8-31. Adoption of accessibility code. That a certain document, a copy of which is on file in the office of the Code Official of the City of Kankakee, being marked and designated as the Illinois Accessibility Code (71 Ill. Adm. Code 400) as published by the Illinois Capital Development Board, be and is hereby adopted as the Accessibility Code of the City of Kankakee, in the State of Illinois, regulating and governing the built environment, including all spaces and elements of all applicable buildings and facilities in the City of Kankakee, State of Illinois, to ensure that all such buildings and facilities are so designed, constructed, and/or altered to assure the safety and welfare of all members of society and to be readily accessible to, and usable by, environmentally limited persons; and each and all of the regulations, standards, provisions, penalties, citations and terms of said Accessibility Code on file in the office of the Code Official are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed herein. (Ord 08-17)

Section 8-32 to 8-35. Reserved.

ARTICLE IX. VACANT PROPERTY CODE

SECTION 8-36: DECLARATION OF POLICY:

The following language shall be added to said Chapter 8 as Section 8-36:

The purpose of this ordinance is to protect the public health, safety and welfare by the enactment of this ordinance which:

- (A) Establishes a program for identification, registration, and regulation of buildings which are or become vacant on or after the effective date of this ordinance.
- (B) Determines the responsibilities of owners of vacant buildings.
- (C) Provides for administration, enforcement, including abatement of public nuisances, and imposition of penalties.

This ordinance shall be construed liberally to effect its purposes.

SECTION 8-37: OTHER ORDINANCES:

This chapter shall not be construed to prevent the enforcement of other applicable ordinances, codes, legislation, and regulations which prescribe standards other than are provided herein, and in the event of conflict, the most restrictive shall apply.

SECTION 8-38: DEFINITIONS:

Unless otherwise expressly stated or clearly indicated by the context, the following terms shall, for the purpose of this ordinance, have the meanings indicated in this section.

BOARDED BUILDING: A building which has had, in a manner intended to be temporary or permanent, any or all openings, which openings are windows or doors which were present for the purpose of light, ventilation or egress, some material whether opaque, solid or transparent, affixed to such openings, from the interior, or exterior of the building, for the purpose of securing or preventing access or damage to the building or its components.

BUILDING: Any structure occupied or intended for supporting or sheltering any occupancy.

DANGEROUS BUILDING: A building defined as a “dangerous, unsafe building” in the Municipal Code of the City of Kankakee.

DIRECTOR: The Code Official or his or her designee.

OWNER: Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, count or municipality as holding title to the property; or otherwise having legal control of the property, including the guardian of the estate of any such person, and the executor or administrator fo the estate of such person if ordered to take possession of real property by any court of competent jurisdiction.

PERSON: Includes a corporation, a partnership, a trust or any other entity was well as an individual.

PREMISES: A lot, plot or parcel of land including any structure thereon.

PUBLIC NUISANCE: Includes the following:

- (A) The physical condition, or uses of any building regarded as a public nuisance at common law, under the Illinois Compiled Statutes of under this code; or
- (B) Any physical condition, use or occupancy or any building or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations, and unsafe fences or structures; or
- (C) Any building which has unsanitary or non functioning sewerage or plumbing facilities; or
- (D) Any building designated by the director as unsafe for human habitation or use; or,
- (E) Any building which is manifestly capable of being a fire hazard, or manifestly unsafe or insecure as to endanger life, limb or property; or
- (F) Any building which is unsanitary, or which is littered with rubbish or solid waste, or which has an uncontrolled growth of weeds; or
- (G) Any building that is dangerous, in a state of dilapidation, deterioration or decay; faulty construction; open or vacant and the doors, windows, or other openings are boarded up or secured, by any means other than conventional methods used in the design of the building or permitted for new construction of similar type; damaged by fire to the extent as not to provide shelter, in danger of collapse or failure and dangerous to anyone on or near the premises; or
- (H) Any building defined as a "dangerous, unsafe building" by this ordinance, as it may be amended.

UNOCCUPIED BUILDING: A building or portion thereof which lacks the habitual presence of human beings who have a legal right to be on the premises, including buildings ordered vacated by the director pursuant to authority granted to him by this code.

In determining whether a building is "unoccupied", the director shall find one or more of the following factors, among others:

- (A) A building at which substantially all lawful residential or business activity has ceased.
- (B) The percentage of the overall square footage of occupied to unoccupied space or the overall number of occupied and unoccupied units shall be considered.

- (C) The building is substantially devoid of contents. The condition and value of fixtures or personal property in the building are relevant to this determination.
- (D) The building lacks utility services, i.e., water, sewer, electric or natural gas.
- (E) The building is the subject of a foreclosure action.
- (F) The building is not actively for sale as part of a contractual agreement to sell the building, the building lacks "for sale", "for rent" or similar signage.
- (G) The presence or recurrence of uncorrected code violations.

VACANT BUILDING: A building or portion of a building which is:

- (A) Unoccupied and unsecured; or
- (B) Unoccupied and secured by boarding or other similar means; or
- (C) Unoccupied and a dangerous structure; or
- (D) Unoccupied and condemned by the director pursuant to applicable provisions of this code; or
- (E) Unoccupied and has multiple code violations; or
- (F) Unoccupied and the building or its premises has been the site of unlawful activity within the previous six (6) months; or
- (G) Condemned by the director and unlawfully occupied; or
- (H) Unoccupied for over one hundred eighty (180) days and during which time the director has issued an order to correct public nuisance conditions and same have not been corrected in a code compliant manner; or
- (I) Unoccupied for over two (2) years.

But not including:

Unoccupied buildings which are undergoing construction, renovation, or rehabilitation and which are in compliance with all applicable ordinances, codes, legislation, and regulations, and for which construction, renovation or rehabilitation is proceeding diligently to completion.

SECTION 8-39: DETERMINATION:

- (A) Within one-hundred twenty (120) days after the effective date of this ordinance, the director shall evaluate all buildings in the city he believes to be unoccupied on the effective date of this chapter and make a determination for each as to whether the building is a "vacant building" within the meaning of this ordinance. The director may determine that a building which meets any of the criteria set forth herein is not to be regulated under this ordinance for a stated period, if upon consideration of reliable, substantiated and sufficient evidence, he or she determines that regulation of the building under this chapter would not serve the public health, welfare, and safety and makes written findings in support of his decision. The determination shall be in writing and shall state the factual basis for the determination.
- (B) For buildings the director determines to be "vacant buildings", he shall, within fourteen (14) days of making that determination, send notice of his written determination with the factual findings to the last

taxpayer of record listed on the most recent Kankakee County tax roll. Said notice of determination shall be sent by both certified mail, return receipt requested and first class United States mail, with proper postage prepaid. Failure of delivery shall not excuse a person from complying with this ordinance. The director may personally serve or cause personal service of the notice of determination. Any person making such service shall execute an affidavit attesting to the facts of service. The director shall maintain an affidavit of such mailing for each notice of determination sent.

- (C) The notice shall require the owner to arrange a mutually convenient time within fourteen (14) days of the notice to arrange a code compliance inspection of the interior of the vacant building to determine the extent of compliance with city property, building codes, health, fire, water and sewer codes. In the event that the owner shall fail to arrange an appointment, the director shall send a notice establishing a date and time for said inspection. The owner shall pay the Two Hundred and no/100s dollars (\$200.00) inspection fee to the city within thirty (30) days of the inspection. An unpaid fee shall be a lien upon the premises.
- (D) The notice shall contain a copy of this ordinance, a copy of the registration form the owner is required to file pursuant to this Ordinance, and a notice of the owner's right to appeal the director's determination.

SECTION 8-40: APPEAL OF DETERMINATION:

- (A) An owner of a building determined by the director to be a vacant building as provided for in this ordinance may appeal that determination to the Corporation Counsel or his or her designee. Such appeal shall be in writing and shall be filed with the Law Department within fifteen (15) days of the date of mailing of the notice of determination. The filing of an appeal stays the owner's obligation to register his building as required by this Ordinance. The appeal shall contain a complete statement of the reasons the owner disputes the director's determination, shall set forth specific facts in support thereof, and shall include all evidence the owner relies upon to support the appeal. The Corporation Counsel shall decide the appeal on the basis of facts presented by the owner in his or her written appeal and the director's written determination.
- (B) The burden is upon the owner to present sufficient evidence to persuade the Corporation Counsel that had the evidence been known to the director at the time the director made the determination, the director would more likely than not have determined that the subject building was not a "vacant building" within the meaning of this ordinance.
- (C) The Corporation Counsel shall send written notice of his decision to the owner within ten (10) days of his or her receipt of the appeal. The Corporation Counsel may, but is not required to, seek additional information from the owner. The Corporation Counsel may, upon written notice thereof to the owner, take no more than ten (10) additional days, to decide the appeal if he or she determines that such additional time is required for consideration of the appeal.
- (D) An owner who wishes to challenge applicability of this ordinance to his/her building without the director's determination having been made, shall set forth specific facts to support nonapplicability in a writing to the director. In the event the director determines that the subject building is a "vacant building", the owner shall have the right to appeal the director's determination to the Corporation Counsel as provided herein.

SECTION 8-41: OBLIGATION TO REGISTER:

The owner of a building who knows, or from all the facts and circumstances should know, that his or her building is or has become a "vacant building" within the meaning of this Ordinance after the effective date of this Ordinance or the owner of a building, which the director determines at any time to be a "vacant building", or the owner of a building whose appeal from the director's determination has been denied by the Corporation Counsel shall take the actions provided for in this section within fifteen (15) days after either the date of the director's notice of determination or

occurrence of the facts which would cause a reasonable person to believe that the building was a "vacant building", or denial of the appeal, whichever is applicable. Registration does not exonerate the owner from compliance with all applicable codes and ordinances, including this ordinance, nor does it preclude any of the actions the city is authorized to take pursuant to this ordinance or elsewhere in this code.

(A) Registration Requirements:

1. Register the building with the Code Enforcement Officer, on a form provided by the director and pay the one hundred dollar (\$100.00) annual nonprorated vacant building registration fee. The form shall include, as a minimum, the name, street address, and telephone number of the owner; the case name and number of any litigation pending concerning or affecting the building, including bankruptcy cases; and the name, street address, and telephone number of all persons with any legal interest in the building or the premises. The form shall require the owner to identify a natural person twenty one (21) years of age or older who maintains a permanent address in Kankakee County, Illinois, to accept service on behalf of the owner with respect to any notices the director sends pursuant to this ordinance or service of process in any proceeding commenced to enforce any provision of this ordinance, and file with the director on the registration form, the name, address, telephone number, of said person. A street address is required. A post office box is not an acceptable address. In the event that the property becomes occupied prior to the expiration of six months after the original determination, one-half of the fee paid shall be refunded to the owner.
2. Renew the vacant building registration each year on the anniversary date of the first filing for the time the building remains vacant and pay the required one hundred dollars (\$100.00) annual fee; and
3. File an amended registration within fifteen (15) days of any change in the information contained in the annual registration. A new registration is required for any change in ownership whatsoever.

(B) Notice; Inspection:

The form shall require the owner to indicate his or her "acceptance of notice by posting" consenting to service of notices sent or required to be sent, pursuant to this ordinance, by posting on the building if the owner fails to renew the registration if required, or maintain as current with the director the information required regarding the person designated to accept notice and service of process.

The owner shall allow for a code compliance inspection of the interior of the vacant building and shall pay the Two Hundred and no/100s dollars (\$200.00) fee therefore within thirty (30) days of the inspection. Such inspection will determine the extent of compliance with city property, building codes, health, fire, water and sewer codes. The city shall send the inspection report to the owner within thirty (30) days.

(C) Insurance:

Obtain liability insurance and maintain such insurance for as long as the building is vacant, and file evidence of such insurance with the director, as follows: one hundred thousand dollars (\$100,000.00) for a vacant residential building of one to three (3) units; five hundred thousand dollars (\$500,000.00) for a vacant residential building of four (4) to eleven (11) units; one million dollars (\$1,000,000.00) for a vacant residential building of twelve (12) or more units; and two million dollars (\$2,000,000.00) for a vacant manufacturing, industrial, storage, or nonresidential commercial building.

(D) Vacant Building Plan:

At the time a building is registered as required herein, the owner shall submit a vacant building plan. The director may prescribe a form for the plan. If the owner fails to submit the plan as provided for by this ordinance, the director may determine the plan. The plan shall contain the following as a minimum:

1. A plan of action to repair any doors, windows, or other openings which are boarded up or otherwise secured by any means other than conventional methods used in the design of the building or permitted for new construction or similar type. The proposed repair shall result in openings being secured by conventional methods used in the design of the building or by methods permitted for new construction of similar type with board removed. Boarding shall be accomplished with materials and methods described by the director. The owner shall maintain the building in an enclosed and secure state until the building is re-occupied or made available for immediate occupancy. If the owner demonstrates that securing of the building will provide adequate protection to the public, the director may waive the requirement of an enclosure.
2. For buildings and premises thereof which are determined by the director as being or containing public nuisances, as defined in this ordinance, then the vacant building plan shall contain a plan of action to remedy such public nuisance(s).
3. A time schedule identifying a date of commencement of repair and date of completion of repair for each improperly secured opening and nuisance identified by the director.
4. When the owner proposes to demolish the vacant building, then the owner shall submit a plan and time schedule for such demolition.
5. A plan of action to maintain the building and premises thereof in conformance with this ordinance.
6. A plan of action, with a time schedule, identifying the date the building will be habitable and occupied or offered for occupancy or sale. The time schedule shall include date(s) of commencement and completion of all actions required to achieve habitability. No plan which provides for compliance with this ordinance or, which will not, as determined by the director, achieve such compliance, within six (6) months, in the case of a vacant boarded building, and two (2) years, in the case of a vacant, unboarded, and code compliant building will be approved.
7. All premises upon which unoccupied or vacant buildings are located and the exteriors shall at all times be maintained in compliance with this code.
8. Exterior lighting according to standards established by the director and available from the director.

(E) Security Guard Service:

On written notice of the director, in the case of a business, commercial or industrial property, provide bonded, licensed, and insured security guard service at the building between the hours of three o'clock (3:00) P.M. and eight o'clock (8:00) A.M. Such service to remain in place until the director gives written notice that the service is no longer required. Such service shall be required when the director makes a written determination that the vacant building constitutes a fire hazard, is otherwise dangerous to human life or the public welfare, involves illegal or improper use, occupancy, or maintenance, under such conditions that boarding and securing the building are insufficient to prevent the actual or threatened harm.

(F) Signage:

Affixed in a public place and visible to the public located upon or adjacent to the main entrance door to any building which is boarded, a weatherproof notice, compliant with the city's sign regulations ordinance, Article 12 of this title, and providing the following information: The name, address, and telephone number of the owner, and in addition, for buildings which are the subject of a foreclosure action, the name, address, and telephone number of the plaintiff and the plaintiff's attorney, if any, in the foreclosure action. The sign must be placed so that its message is legible from the

public way.

SECTION 8-42: APPROVAL OF PLAN:

- (A) Review Building Plan: The director shall review the proposed vacant building plan in accordance with the standards below. The director shall send notice to the owner of the vacant building of his determination.
- (B) Standards For Plan Approval: In considering the appropriateness of a vacant building plan, the director shall include the following in his or her consideration and shall make written findings as to each:
1. The purposes of this Ordinance and intent of the city council to minimize the time a building is boarded or otherwise vacant.
 2. The effect of the building and the proposed plan on adjoining property.
 3. The length of time the building has been vacant.
 4. The presence of any public nuisances on the property.
 5. The likelihood that the plan or portion(s) thereof will prevent or ameliorate the condition it is designed to address.

SECTION 8-43: AUTHORITY TO MODIFY PLAN, RIGHT OF APPEAL:

The director shall, upon notice to the vacant building owner, have the right to modify the vacant building plan by modifying the dates of performance, the proposed methods of action, or by imposing additional requirements consistent with this ordinance he or she deems necessary to protect the public health, safety, or welfare.

SECTION 8-44: FAILURE TO COMPLY WITH PLAN:

Failure to have an approved plan within thirty (30) days of filing the registration form or failure to comply with the approved plan shall constitute a violation of this ordinance subjecting the owner of the building to penalties as provided in this ordinance and to any remedies the city may avail itself of as provided for herein and elsewhere in this code, including, but limited to, an action to compel correction of property maintenance violations.

SECTION 8-45: OTHER ENFORCEMENT:

The registration of a vacant building shall not preclude action by the city to demolish or to take other action against the building pursuant to other provisions of this ordinance, this code, or other applicable legislation.

SECTION 8-46: CERTIFICATION:

A certificate of code compliance for vacant buildings issued by the Director and payment in full of all fees imposed pursuant to this ordinance are required prior to any occupancy of a vacant building.

SECTION 8-47: BOARDING OF BUILDINGS:

It is the policy of the City of Kankakee that boarding is a temporary solution to prevent unauthorized entry into a vacant building and that boarded buildings are a public nuisance. A vacant building may not remain boarded longer than six (6) months unless an extension of that time is part of a plan approved by the director.

A vacant building which is unboarded and code compliant and for which boarding is determined by the director on the basis of police reports, citizen complaints, and other information of other type considered reliable by reasonable

persons, to not require boarding to prevent unauthorized entry may not remain vacant for more than two (2) years without an approved plan for occupancy, sale, demolition, or other disposition of the building.

SECTION 8-48: ENFORCEMENT AND PENALTIES:

- (A) Any person found to have violated any provision of this ordinance shall be subject to a minimum fine of one hundred dollars (\$100.00) per day per violation to a maximum of seven hundred fifty dollars (\$750.00) per day per violation, in addition to any other legal or equitable remedies available to the city. Such other remedies include, but are not limited to, injunctive relief, application to a court of competent jurisdiction for a receiver, demolition, or condemnation, contracting for the repair or purchase of the premises, or foreclosure of any lien the city may have thereon.
- (B) A separate and distinct offense shall be committed each day on which such person or persons shall violate the provisions of this ordinance.
- (C) The city may enforce this ordinance in its administrative adjudication system or through the court system. Administrative adjudication shall be conducted in accordance with the provisions of this code, as it may be amended.
- (D) Nothing herein contained shall prohibit the city from immediately condemning as provided for in this code a building or taking other immediate action upon a determination that the building is a public nuisance or poses an imminent danger to the occupants of the building, or the public, health, safety and welfare.

SECTION 8-49: SEVERABILITY:

In the event any section of this ordinance or any part of any section of this ordinance is declared to be unconstitutional, such decision shall in no way affect the operation of any other section or part thereof the remainder of this ordinance shall remain in full force and effect. (Ord. 09-06; 2/17/09)

ARTICLE X CONTRACTORS REGISTRATION

SECTION 8-151: CONTRACTORS REGISTRATION

Contractor means any individual, doing work on a residence or commercial/industrial structure, or any real property and any company or corporation engaged in the business of building, constructing, altering, rehabilitating, repairing, covering or demolishing any building, structure, sidewalk, street, fence, swimming pool, driveway, HVAC/MECH equipment or landscaping, tree removal service or any other related construction activity, including plumbing and electrical work and handy-man services. A landlord who performs work on his own property, either individually or through an employee under his direct supervision is not considered a "contractor" for purposes of this ordinance. However, if State law requires that a person doing work such as roofing or plumbing, have a State License, then such person must be licensed by the State in order to perform such work.

SECTION 8-152: REGISTRATION:

- a. Required. No person shall engage in the business of a contractor without first obtaining proof of registration from the City of Kankakee. A resident homeowner who is acting as a contractor for work being

performed on his or her own residence or property on which he/she resides need not obtain a contractor's proof of registration with the City of Kankakee. However, any contractor hired by a resident acting as a contractor must comply fully with the requirements of this chapter.

- B. Contractor Requirements. All contractors must provide a valid copy of a State of Illinois issued license or a valid proof of registration issued by local, county or state agencies that are required to do work within the City of Kankakee.
- C. Applications & Expiration. Proof of contractor's registration shall include the name and street address, (post office box number shall not be accepted as a business address) of the applicant's firm as well as the business telephone number thereof. The proof of registration shall also set forth the number of individual employees of the applicant who may be operating under such license/registration and the type of contracting activity for which a registration is requested.
- D. Denial of Application. The City of Kankakee reserves to right to deny any applicant that has falsified a license, document or application relating to contractor registration or deny an applicant that has previously had a City of Kankakee license revoked, has lost their state or trade license or is suspended from doing a trade within the state of Illinois or if the applicant has failed to disclose information or fails to meet any of the minimum requirements under this ordinance.
- E. Revocation. Any registration issued pursuant to the provision of this article may be suspended or revoked by the director of the Department of Building and Code Enforcement if registrants' City, County or State license has been suspended or revoked or if said registrants' liability insurance expires or becomes invalid.

SECTION 8-153: REGISTRATION FEES:

The fee for contractor registration is \$150.00 per year payable at the Building and Code Enforcement Department. Annual renewal of a contractor registration will be one year from issuance of prior registration.

SECTION 8-154: BOND REQUIRED:

- A. Each application for registration shall deposit with the City Building & Code Enforcement Department a license bond or surety bond. Said bond shall be issued by a company approved and authorized to issue bonds by the state bound to the city in the penal sum of \$10,000.00. Said bond shall be conditioned on the faithful compliance with the applicant's duties and compliance with all applicable codes.
- B. The bond shall not be cancelable without ten days prior written notice, to the city by the company, unless released by the city.

SECTION 8-155: LIABILITY INSURANCE REQUIRED:

- A. No person shall act as a general contractor or subcontractor with the city, unless exempt per the provisions of this code, nor shall be registered, unless said general contractor or subcontractor deposits with the city building department, a certificate of liability insurance issued to said general contractor or subcontractor by a company approved and authorized to issue such insurance by the state and said general contractor or subcontractor shall continuously remain insured for the full registration period, listing the City of Kankakee as an additional insured on the certificate, and written for the following minimum amounts:

- (1) General liability: \$1,000,000.00
- (2) Workers' compensation and employer's liability: \$100,000.00
- (3) Property damage liability: \$50,000.00

- B. A contractor with no employees must submit an affidavit (sworn and notarized statement) attesting to the

same at the time of registration application.

- C. If said insurance should at any time expire, be canceled or otherwise lapse, the registration of the insurance holder shall immediately be revoked and all work, within the city, shall immediately cease.
- D. The certificate of insurance shall provide that the insurance is not cancelable during the policy period without issuing insurer providing written notice within ten days prior to cancellation to the city.

SECTION 8-156: REQUIRED REGISTRATION:

Registration under this ordinance is required only to do work which requires a building permit pursuant to the City of Kankakee Ordinance.

Registration is not required by a property owner performing his/her own work on a project provided the following conditions are met:

- All subcontractors are registered by the city.
- Said property/homeowner shall sign an affidavit attesting to the fact that they are performing all of the work on the project.

SECTION 8-157: REVOCATION/ SUSPENSION:

The building official is authorized to suspend or revoke any proof of registration issued under the provision of this chapter on the basis of incorrect, inaccurate or incomplete information, or for violation of any ordinance or regulation or any of the provisions of this chapter.

SECTION 8-158: DUTIES OF LICENSEE, REMOVAL OF REFUSE, OBSTRUCTION OF TRAFFIC

- A. A contractor who is registered under this chapter shall secure the appropriate and necessary building permits required by the building codes of the City of Kankakee, Illinois before undertaking the building, constructing, altering, rehabilitating, repairing, moving, or demolishing of any building, structure, real property, sidewalk, street, fence, swimming pool, driveway, HVAC/MECH equipment or landscaping or any other related construction activity, including plumbing and electrical work and handy-man services.
- B. Such contractor shall comply with all the provisions of this Building and Property Maintenance Code and all other City codes and ordinances relating to the regulation of the activities of contractors.
- C. No contractor shall obstruct traffic, city streets or sidewalks without first receiving permission from the appropriate City department to do so. The contractor shall restrict the movement of construction vehicles exceeding the local weight limitation to those local streets approved by the Director of Public Works or other person duly authorized by the Mayor.
- D. No contractor shall permit the accumulation of dirt, mud or waste materials on the public's streets or walkways to a degree which makes driving hazardous or otherwise endangers the health, safety and welfare of City residents. Any limited accumulation of dirt, mud or debris shall be removed from the public right of way on a daily basis by the contractor. In newly established residential and commercial/industrial subdivisions in which more than one contractor may be building, the developer shall be held ultimately responsible for compliance with this section. The contractor shall at all times keep the site of activities in an orderly condition.

SECTION 8-159: INSPECTIONS:

The provisions of this chapter are declared to be of a regulatory nature and it shall be the responsibility of the Building Official or his designee to regularly inspect the site of a contractor's activity to assure that all of the provisions of this chapter are complied with. All contractors must call the Building, HVAC, Plumbing and Electrical Inspectors of the Department of Building and Code Enforcement to schedule all inspection at least 24 hours in advance.

SECTION 8-160 PENALTIES:

The penalty for violation of any requirement of this chapter shall be, where applicable, the issuance of minimum fine of one hundred fifty dollars (\$150.00) to a maximum of seven hundred fifty Dollars (\$750.00) ticket per violation per day that the violation occurs.

SECTION 8-161: APPEAL:

Appeal of orders, decisions or determinations of all authorized city staff and the Code Official shall be subject to the provisions set forth in Article I, Section 113 (Appeals) of Chapter 8.02 of this code.

SECTION 8-162: EFFECTIVE DATE OF ORDINANCE:

This Ordinance shall be in full effect as of the date of final passage and publication.

ARTICLE XI DONATION DROP BOX REGISTRATION

SECTION 8-163 FINDINGS, PURPOSE AND INTENT

In adopting this chapter, the City of Kankakee acknowledges its awareness of the proliferation of donation drop boxes within the City. Donation drop boxes have a particular set of needs, issues and concerns, including, but not limited to: sanitary condition of both the donated items and the area surrounding the donation box, location, maintenance, and frequency of collection of donated items. It is with these needs, issues and concerns in mind that the City council adopts this chapter to promote the health, safety, welfare and aesthetics of the City of Kankakee through the regulation of donation drop boxes.

SECTION 8-164 DEFINITIONS

"Donation Drop Box" means a metal receptacle designed with a door, slot, or other opening that is intended to accept and store donated items, such as, but not limited to, clothing or household items. This definition of Donation Drop Box shall not include trailers where personnel are present to accept donations at all times that the trailer is present and accepting donated items.

SECTION 8-165 REGISTRATION

No person or persons shall place, display, maintain, or permit a donation drop box on any property within the City of Kankakee unless such person or persons shall first have obtained a Donation Drop Box permit from the City in accordance with the provision of this Chapter and any rules and regulations which may be established hereunder.

SECTION 8-166 APPLICATION AND FEE

In order to obtain a Donation Drop Box Permit, an application must be submitted to the City of Kankakee Building Department. The permit application shall include, among other items, the address of the site where the Donation Drop Box will be located, the name, address, telephone number and electronic contact information of the owner of the property and a statement of written permission from the property owner of record giving consent to the placement of Donation Drop Boxes in which they are located. Also the name, address, telephone number and electronic contact information for the person or persons responsible for the placing, emptying, servicing, maintaining, cleaning and removing of Donation Drop Box. The application shall also include a site plan of the property indicating the exact location of the Donation Drop Box, including setbacks. It shall be the responsibility of the owner of the Donation Drop Box or his or her agent to update the information requested on the permit application, to the extent that such information changes throughout the year. Such application shall include a non-refundable permit application fee of \$100.00.

1. The Code Official shall review the application and issue a determination within ten (10) days of the filling of a completed application.
2. The Code Official shall not approve the application if any of the provisions of the City Building or Zoning Codes would be violated by issuing a permit including without limitation the following:
 - a) Set back requirements
 - b) Use Restriction
 - c) Those portions of the Zoning Ordinance that require that a specified number of parking spaces be available for the use of a particular business.

SECTION 8-167 EXPIRATION

Donation Drop Box permits shall be valid from the date of issuance until December 31st of each year. Upon expiration of a Donation Drop Box Permit, any person who intends to continue to place, display, or maintain a Donation Drop Box shall obtain a new Donation Drop Box permit.

SECTION 8-168 STANDARDS

Every Donation Drop Box shall be made of metal, maintained in a neat, clean and sanitary condition and be kept in good working order at all times. Specifically, without limiting the foregoing, each Donation Drop Box shall be serviced and maintained so that it is free of: dirt and grease, chipped, faded, peeling or cracked paint; free of rust and corrosion; and cracks, dents, blemishes and discoloration. Donation Drop Boxes shall be emptied regularly and within forty-eight (48) hours of the primary contact person being notified that the Donation Drop Box is full. Each Donation Drop Box shall clearly state the name, address and telephone number of the owner of the Donation Drop box and whether the donated items will be used to support a for profit entity, and which, or a charitable entity, and which. Reference may be made to a website or other readily accessible sources for additional information.

SECTION 8-169 LOCATION AND MAXIMUM NUMBER OF DONATION DROP BOXES PER PARCEL AND IN THE CITY OF

- a) No person shall place or maintain and no property owner or tenant shall permit or maintain any Donation Drop Box in any location that obstructs vehicular traffic, loading zones, drive aisles or impairs vehicular, bicycle or pedestrian views of traffic.
- b) Drop Boxes are prohibited in R1-R4 zoning districts.
- c) There shall not be more than two (2) Drop Boxes within a 1500ft. radius from one another.
- d) No person shall place or maintain and no property owner or tenant shall permit or maintain any donation Drop Box on any unpaved or improved surface or cause said boxes to be located within landscaped areas.
- e) No more than two (2) Donation Drop Box shall be permitted on any parcel or at any business location and the size shall not exceed four (4) cubic yards.
- f) No more than a total of Thirty (30) Donation Drop Boxes are permitted in the City at any time.

SECTION 8-170 CORRECTION ORDERS, REVOCATION OF PERMIT, LIABILITY AND REMOVAL

The Code Official shall have the right to revoke any permit issued hereunder if any of the grounds which he or she may refuse to issue an initial permit exists. In addition, the failure of the permittee to comply with the provisions of this Code or other law shall also constitute grounds for revocation of the permit. Any order to correct the violation shall be issued in person or by mail to the property owner; Donation Drop Box owner; or tenant or primary contact person designated by the permit holder. The order shall describe the violation and actions necessary to correct the violation. Failure to properly correct the violation within three (3) days after being provided with notice of the order, exclusive of Saturday, Sundays and legal holidays, may result in criminal charges being filed pursuant to this chapter. Upon revocation, the unattended Donation Box shall be removed from the permittee's real property within ten (10) calendar days and, if not removed within this time period, the City may remove, store and dispose of the unattended Donation Box at the permittee's sole cost and expense. Upon revocation, a permittee shall be prohibited from applying for a permit for a period of one year. Any violation of the provisions of this Chapter is a public nuisance subject to abatement pursuant to this code or as otherwise permitted by law.

SECTION 8-171 APPEALS

Appeal of orders, decisions or determinations of all authorized city staff and the Code Official shall be subject to the provisions set forth in Article I, Section 113 (Appeals) of Chapter 8.02 of this code.

Section 8-172 Effective Date of Ordinance:

This Ordinance shall be in full effect as of the date of final passage and publication.

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