



ST. CHARLES
SINCE 1834

AGENDA ITEM EXECUTIVE SUMMARY

Title:	Recommendation to approve an amendment to the 2012 Property Maintenance Code
Presenter:	Bob Vann, Building & Code Enforcement Division Manager

Please check appropriate box:

	Government Operations		Government Services
X	Planning & Development (11/11/13)		City Council
	Public Hearing		

Estimated Cost:	\$0	Budgeted:	YES		NO	
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If NO, please explain how item will be funded:

Executive Summary:

The Building and Code Enforcement Division staff has been reviewing the City's Property Maintenance Enforcement Procedures with legal counsel. The City's adopted Code, the 2012 International Property Maintenance Code (IPMC), has a standardized appeal process in the base code. The City has adopted an Administrative Adjudication procedure that allows individuals the opportunity to due process and appeal any property maintenance violation. The proposed amendment will reduce redundancy by deleting the standard procedure of the 2012 IPMC code and allowing the City's Administrative Adjudication system as the required appeal process required by law.

Attachments: *(please list)*

- Section III Means of Appeal – 2012 Property Maintenance Code
- Proposed Ordinance

Recommendation / Suggested Action *(briefly explain):*

City staff is requesting the Planning & Development Committee review the proposed amendment to the 2012 Property Maintenance Code and make a recommendation to approve the same.

<i>For office use only:</i>	<i>Agenda Item Number:</i> 3d
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[A] **109.4 Emergency repairs.** For the purposes of this section, the *code official* shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

[A] **109.5 Costs of emergency repairs.** Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the *owner* of the *premises* where the unsafe structure is or was located for the recovery of such costs.

[A] **109.6 Hearing.** Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION 110 DEMOLITION

[A] **110.1 General.** The *code official* shall order the *owner* of any *premises* upon which is located any structure, which in the *code official* judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the *owner's* option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the *code official* shall order the *owner* to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless *approved* by the building official.

[A] **110.2 Notices and orders.** All notices and orders shall comply with Section 107.

[A] **110.3 Failure to comply.** If the *owner* of a *premises* fails to comply with a demolition order within the time prescribed, the *code official* shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

[A] **110.4 Salvage materials.** When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

SECTION 111 MEANS OF APPEAL

[A] **111.1 Application for appeal.** Any person directly affected by a decision of the *code official* or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

[A] **111.2 Membership of board.** The board of appeals shall consist of a minimum of three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The *code official* shall be an *ex-officio* member but shall have no vote on any matter before the board. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.

[A] **111.2.1 Alternate members.** The chief appointing authority shall appoint a minimum of two alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.

[A] **111.2.2 Chairman.** The board shall annually select one of its members to serve as chairman.

[A] **111.2.3 Disqualification of member.** A member shall not hear an appeal in which that member has a personal, professional or financial interest.

[A] **111.2.4 Secretary.** The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

[A] **111.2.5 Compensation of members.** Compensation of members shall be determined by law.

[A] **111.3 Notice of meeting.** The board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.

[A] **111.4 Open hearing.** All hearings before the board shall be open to the public. The appellant, the appellant's representative, the *code official* and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of a minimum of two-thirds of the board membership.

[A] **111.4.1 Procedure.** The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

[A] **111.5 Postponed hearing.** When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

[A] **111.6 Board decision.** The board shall modify or reverse the decision of the *code official* only by a concurring vote of a majority of the total number of appointed board members.

[A] **111.6.1 Records and copies.** The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the *code official*.

[A] **111.6.2 Administration.** The *code official* shall take immediate action in accordance with the decision of the board.

[A] **111.7 Court review.** Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

[A] **111.8 Stays of enforcement.** Appeals of notice and orders (other than *Imminent Danger* notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

SECTION 112 STOP WORK ORDER

[A] **112.1 Authority.** Whenever the *code official* finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the *code official* is authorized to issue a stop work order.

[A] **112.2 Issuance.** A stop work order shall be in writing and shall be given to the *owner* of the property, to the *owner's* agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

[A] **112.3 Emergencies.** Where an emergency exists, the *code official* shall not be required to give a written notice prior to stopping the work.

[A] **112.4 Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.

City of St. Charles, Illinois
Ordinance No. 2013-M-

**An Ordinance Amending Chapter 9.65 “Administrative Adjudication”,
Section 9.65.010 and Section 9.65.030 and Chapter 15.04 “Property
Maintenance Code”, Section 15.40.010 of the St. Charles Municipal Code.**

WHEREAS, the City Council has adopted the 2012 edition of the International Property Maintenance Code published by the International Code Council, subject to the amendments set forth in Section 15.40.010; and,

WHEREAS, not less than three (3) copies of said codes have been and are on file in the Office of the Clerk of the City of St. Charles, Illinois for more than thirty (30) days prior to the passage and approval of this Ordinance; and,

WHEREAS, the City Council finds it to be in the interest of the City of St. Charles to periodically clarify and update codes regulating the applicable administrative adjudication and appeal process within the City of St. Charles;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois as follows:

SECTION ONE: That Chapter 9.65 “Administrative Adjudication”, Section 9.65.010 be and is hereby amended by adding the following as paragraph 9.65.010 A 4:

“4. Proceedings governed by Chapter 2.19 and Title 17 of the St. Charles Municipal Code”.

SECTION TWO: That Chapter 9.65 “Administrative Adjudication”, Section 9.65.030 be and hereby is amended by adding the following as paragraph 9.65.030 A 4:

“4. Proceedings governed by Chapter 2.19 and Title 17 of the St. Charles Municipal Code”.

SECTION THREE: Section 15.40.010 D “Property Maintenance Code Regulations Added and Modified”, as amended by Ordinance No. 2012-M-42, shall be deleted in its entirety.

PRESENTED to the City Council of the City of St. Charles, Illinois this ___ day of _____, 2013.

PASSED by the City Council of the City of St. Charles, Illinois this ___ day of _____, 2013.

APPROVED by the Mayor of the City Council of the City of St. Charles, Illinois this ___ day of _____, 2013.

Raymond P. Rogina, Mayor

ATTEST:

City Clerk

Ordinance No. _____
Page 2

COUNCIL VOTE:

Ayes:

Nays:

Absent:

Abstain

APPROVED AS TO FORM:

City Attorney

DATE: _____