

ESTABLISHMENT OF ORDINANCE SECTION 571

AN ORDINANCE DEALING WITH ABATEMENT PROCEDURES FOR STRUCTURES IN DISREPAIR IN THE CITY OF WHEATON

Findings.

1. The Wheaton Code of Ordinance does not contain provisions for dealing with and structures in disrepair.
2. The Wheaton City Council believes that the existing Ordinance does not contain adequate procedures to deal with handling these structures, which could lead to their one day becoming substandard.
3. The Wheaton City Council believes that it is in the best interests of the residents of the City of Wheaton to amend the existing Ordinance to add a section dealing with the abatement of structures in disrepair.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WHEATON ORDAINS AS FOLLOWS:

1. **That Section 571 of Wheaton City Ordinance be enacted to read as follows:**

“§571 STRUCTURES IN DISREPAIR

571.01 Requirements for Structures.

- (1) **Maintenance.** All structures which are intended to be occupied or let to another for occupancy, and all dwellings or apartments existing for the purpose of living therein, whether occupied or vacant, must comply with the requirements of this section.
- (2) **Foundations, exterior walls and surfaces, roofs.** Every foundation, chimney, exterior wall and surface, and roof shall be weathertight, watertight, rodent-proof and insect proof, and shall be kept in a workmanlike state of maintenance and repair.
 - (a) The foundation elements shall support the building at all points.
 - (b) Every exterior wall shall be free of holes, breaks, loose or rotten boards or timbers, and any other condition which might admit rodents to the interior portions of the walls or to the interior space of the dwelling.
 - (c) Any exterior surface or plane required to be repaired under the provisions of this section shall be repaired in its entirety to make it weathertight, watertight, and rodent-proof.
- (3) **Windows, exterior doors, basement hatchways.** Every window, exterior door and basement hatchway shall be rodent-proof and shall be kept in working condition and in a workmanlike state of maintenance and repair.
 - (a) Every window shall be fully supplied with window panes which are without open cracks or holes.
 - (b) Every window sash shall be in good condition and fit tight within its frame.
 - (c) Every exterior door when closed shall fit in a workmanlike condition within its frame.

- (d) Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rodents into the dwelling.
- (4) Exterior stairways, exterior porches and decks, landings, and floor levels. All outside stairways, fire escapes and exits shall be maintained unobstructed, and free of ice and snow. All outside stairways that serve as an entrance to an upper story apartment or rooming unit shall have a light located at the head of the stairway capable of lighting the entire stairway. This light may be controlled by three-way switches, one at the bottom of the stairway, and one at the top, or it may be a sensor light, activated by motion or dusk.
- (5) Discontinuance of required services, facilities, equipment or utilities. No owner or operator shall cause any service, facility, equipment or utility which is required to be supplied under the provisions of this code to be removed, shut off, or discontinued in any structure owned, let or occupied by such person, except for such temporary interruption as may be necessary while actual repairs, replacements, or alterations are in process of being made.
- (6) Responsibility of owner for public areas. Every owner of a structure containing two or more apartments shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwellings and premises thereof.
- (7) Responsibility for rubbish and garbage. Every occupant of a structure shall dispose of all refuse in a clean and sanitary manner by placing it in garbage disposal facilities or refuse storage containers as prescribed in §51.02 of this code.
- (8) Extermination. Every occupant of a single family structure shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises; and every occupant of an apartment in a structure containing more than one apartment shall be responsible for such extermination whenever his or her apartment is the only one infested.

Notwithstanding the foregoing provisions of this division, whenever infestation is caused by failure of the owner to maintain a dwelling in a rat-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the apartments in any dwelling, or in the shared or public parts of any dwelling containing two or more apartments, extermination thereof shall be the responsibility of the owner.

- (9) Non-dwelling structures. Every foundation, exterior wall, roof, window, exterior door, basement hatchway, and every other entranceway of every structure, whether intended for occupancy or not, shall be so maintained as to prevent the structure from becoming a harborage for rodents, vermin and insects and shall be kept in a reasonably good state of maintenance. In addition, every non-dwelling structure located on any dwelling premises shall be maintained in accordance with the provisions of division (B) of this section.
- (10) Fences. Every fence in such condition as to constitute a public health or safety hazard shall be repaired or removed.
- (11) Open areas.

- (a) **OPEN AREA** means that part of a lot or property that is not covered by an enclosed building or structure, regardless of whether the view from outside the property is shielded by a fence, vegetation or other structure. The term OPEN AREA includes, but is not limited to, the yard, open porches, and areas under structures that are not entirely enclosed, such as a carport.
- (b) All open areas and parts of premises shall be maintained and kept in a reasonably clean and neat condition. This requirement shall include the removal of dead trees and brush, the removal of inoperable machines, appliances, fixtures and equipment; the removal of lumber piles and building materials not being used in actual construction on the premises unless such premises are being used by a business dealing in or requiring the use of such lumber and materials, and the storage of these materials for business use is allowed or permitted by ordinance; the removal of tin cans, broken glass, broken furniture, mattresses, box springs, boxes, crates, cardboard, tires, and other garbage and debris; and the removal of furniture and other items of the type not designed or intended to be stored outside or in such a manner that they are exposed to weather and climatic conditions.

571.02 **Nuisance Declared.** Violations a public nuisance. A person or business entity that creates, maintains or allows to continue a condition in violation of this chapter shall be deemed to have created a public nuisance as defined in § 93.01 of this code, which is subject to abatement by the city as provided in this code.

571.03 **Abatement.** Abatement with or without special assessments. Any nuisance created by a condition in violation of this chapter may be, subject to the discretion of the City Council, abated with or without special assessments as described in Chapter 93 of this code.

571.04 **Citation.**

- (1) **Violations subject to citation.** After the notice required by §92.25(E), any person or business entity that allows a nuisance condition in violation of this chapter to continue past the deadline given in the notice letter may be issued a citation by the Police Department.
- (2) **Issuance of citation.** The citation shall be issued in person or by mail to the occupant of the property on which the violation exists and to the owner of the property if not owner-occupied. The citation shall state the date, time and nature of the offense, the name of the peace officer issuing the citation, the amount of the penalty, the manner for paying the penalty, and that the violator has the right to contest the citation.
- (3) **Continued violation.** Each day that a violation continues, or is permitted to continue, shall constitute a separate offense in prosecution of such unlawful act.

571.05 **Notice.** Prior to the issuance of a citation as described in §92.25(D), notice of the violation shall be given to the occupant of the property on which the violation exists, as well as the owner of the property if not owner-occupied. This notice shall be in the form of a letter either hand delivered or sent via certified mail to the address shown on the real estate tax certificate. This notice shall state the nature of the violation, the steps needed to remedy the violation, and the date by which the violation must be remedied. This date shall be determined by the City Council.”

PASSED AND ADOPTED this 27th day of July, 2023.

WHEATON CITY COUNCIL

Jacob Veldhouse, Mayor

ATTEST:

Amy Olson, City Administrator