

BUILDING BOARD OF APPEALS  
MINUTES  
MAY 3, 2010

The meeting was called to order by Chairman James Ryan at 7:31 p.m. Board members Thomas Bredfeldt, Todd Hanssen, John Lustrup, James McGinley and Scott Raffensparger were present. Also present were Trustee Liaison Carl Henninger, Building and Zoning Official Joe Kvapil, Plan Reviewer Paula Moritz and Recording Secretary Barbara Utterback.

The purpose of the meeting was to consider recommendations regarding a proposed ordinance to adopt and amend the 2009 ICC International Property Maintenance Code to be incorporated as a text amendment into the Village Code, Title 4, Building Regulations, Chapter 1, Building Code, Section 11, Adoption of the International Property Maintenance Code.

As the new liaison to the BBA, Joe Kvapil, Building and Zoning Official, introduced himself and provided a brief history of his work and Village experience.

**2009 ICC INTERNATIONAL PROPERTY MAINTENANCE CODE. DISCUSSION, CONSIDERATION AND RECOMMENDATIONS REGARDING A PROPOSED ORDINANCE TO ADOPT AND AMEND THE 2009 ICC INTERNATIONAL PROPERTY MAINTENANCE CODE TO BE INCORPORATED AS A TEXT AMENDMENT INTO THE VILLAGE CODE, TITLE 4, BUILDING REGULATIONS, CHAPTER 1, BUILDING CODE, SECTION 11, ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE.**

Chairman Ryan asked Mr. Kvapil to explain the rationale for adopting the Property Maintenance Code. Mr. Kvapil responded that adopting the Property Maintenance Code will establish minimum standards for the occupancy and use of buildings regarding maintenance conditions, the structure, environmental conditions inside a building, nuisances at a building that cause problems for the neighbors/neighborhood and safety issues. Mr. Kvapil estimated that approximately 90 percent of municipalities adopt 50 percent of the nationally recognized ICC codes. Mr. Kvapil added that the ICC Life Safety Code is also proposed to be adopted. Chairman Ryan commented that a change in a code generally happens when a problem occurs. Mr. Kvapil stated that although there is not a significant maintenance problem in the Village, there is a lack of adequate provisions in the Village Code to address property maintenance regulation. The BBA members initially were not supportive of adopting the Property Maintenance Code because of its restrictive nature. Mr. McGinley expressed concern regarding items in the proposed code such as the ability to enter homes and stated that the Village will take on a lot of additional responsibility if the proposed code is adopted. Mr. Kvapil responded that the part-time property inspector will assume the primary responsibility for addressing complaints and that the Property Maintenance Code will be used as an enforcement tool. Mr. Kvapil responded to Chairman Ryan that the property inspector currently performs approximately 20-25 inspections per month, and he responded to Mr. McGinley that the

inspections are not tracked according to type. Mr. Lustrup asked if the property inspector's primary responsibility will be responses to complaints or if he will perform random inspections, and Mr. Kvapil replied that the property inspector's primary responsibility will be response to complaints which come from various sources/ departments. Mr. Hanssen commented that although the Property Maintenance Code addresses nuisances, it also contains a lot of other very detailed information (size of windows, size of ventilation, glazing on windows, etc.) that is excessive. Mr. Kvapil responded that staff size will not allow the code to be enforced to at that level of detail. Chairman Ryan stated that staff could be required to enforce any item in the code because the code has been adopted. Mr. Kvapil stated he will research that issue but believes staff has discretion in enforcing the provisions of the code and must remain consistent with regard to enforcement. Mr. Lustrup was concerned that although the current staff does not intend to enforce all of the regulations, future staff could decide to enforce all of the regulations. Mr. Kvapil responded to Mr. McGinley that the majority of municipalities in the Chicagoland area have adopted the Property Maintenance Code. Mr. Kvapil also responded to Mr. Bredfeldt that he did not know how other communities enforce the Property Maintenance Code. Mr. McGinley added that Skokie has a program that assists homeowners who cannot afford to make repairs to their homes which indicates that city's level of enforcement. Trustee Henninger added that the Downtown Strategic Plan and one of the Village Board's strategic priorities call for the adoption of a property maintenance code. He also stated that the Property Maintenance Code could be customized for the downtown. Chairman Ryan suggested separate property maintenance codes for commercial and residential properties.

Mr. Kvapil reviewed 40 proposed amendments to the International Code Council (ICC) Property Maintenance Code (IPMC) and the BBA members offered comments as follows:

Delete Section 4-1-10 Local Amendments, (C) Emergency Demolition, 1. Hazardous Structure, 2. Immediate Danger Demolition, 3. Lien, from the Village Code because it is covered in a more comprehensive manner in the Property Maintenance Code. Mr. Lustrup commented that the Property Maintenance Code grants too much authority to the Code Official, and Mr. Kvapil responded that the code could be amended to grant additional oversight and that decisions can be appealed to the BBA. The BBA agreed with Mr. Kvapil's suggestion to add "subject to approval of the Director of Planning and Development or Village Manager in addition to the Code Official" to Sections 108 (Unsafe Structures and Equipment), 109 (Emergency Measures) and 110 (Demolition) of the Property Maintenance Code.

Add new Village Code Section: "4-1-11, Adoption of the International Property Maintenance Code. The ICC International Property Maintenance Code, 2009 is adopted by reference as the standards and regulations for the maintenance of all property, buildings and structures as this code is intended, recommended, maintained and published by the International Code Council except such portions thereof that are deleted, modified or amended in this chapter. At least one copy of the IC 2009 International

Property Maintenance Code shall be maintained on file in the office of the Village Clerk for inspection and copying as a public record.”

(B) Amend the following provisions of the ICC 2009 International Property Maintenance Code:

Add new section to the Property Maintenance Code regarding referencing codes and standards. The ICC Plumbing Code, Zoning Code and existing Building Code are not proposed to be adopted by the Village. Therefore, create a section that states that wherever in the Property Maintenance Code reference is made to the International Plumbing Code, substitute “the Plumbing Code, Department of Public Health, State of Illinois”; wherever in the IPMC reference is made to the International Zoning Code, substitute “the Zoning Code, Title 10 of the Village Code of the Village of Glen Ellyn, Illinois”; and wherever in the IPMC reference is made to the International existing Building Code, the reference shall be deleted.

Delete Section 103.1 in its entirety and substitute the following to correct references to the municipal organization names: “103.1 General. Where referenced in this code, the Department of Property Maintenance shall be the Planning and Development Department of the Village of Gen Ellyn and the Code Official shall be the Building and Zoning Official of the Village of Glen Ellyn.”

Regarding Section 103.5 Fees, Mr. Kvpil responded to a Board Member that there are no property maintenance fees for inspections and, therefore, that section should be deleted in its entirety.

Add new Section 104.3.1 as follows: “104.3.1 Search Warrant. If the Code Official is refused entry after a reasonable attempt to obtain consent to enter the premises to make an inspection, the Code Official may seek in the Circuit Court of DuPage County a search warrant. An owner, occupant or other person in charge of a dwelling, structure or property subject to the provisions of this code who is presented with a search warrant obtained pursuant to this section shall not refuse, impede, inhibit, interfere with, restrict or obstruct entry and free access to any part of the structure or premises where an inspection authorized by search warrant is sought to be made.” Mr. Kvpil stated that when a property owner is uncooperative, incorporating this section into the Property Maintenance Code may simplify the process. Mr. McGinley stated that some communities that have adopted the IPMC conduct random inspections which residential homeowners can refuse. He expressed a concern that the addition of this section gives the Village the right to enter homes with or without consent from the homeowner. Mr. Kvpil responded that this proposed section of the IPMC will give the Village the ability to enter a home if the Village demonstrates to the court a valid reason to believe that the property is in violation of the code or that a dangerous condition may exist. He added that including the term “search warrant” in the IPMC will be more effective than the threat of other legal action in gaining access to a building. Chairman Ryan preferred that this proposed section apply to multi-family and commercial buildings only and not single-family homes. Because this section does not grant more power to the Village than already exists, most BBA members were generally in agreement with this amendment.

Delete Section 106.4 in its entirety and substitute the following: “106.4 Violation Penalties. Any person who violates a provision of this code shall, upon conviction thereof, be subject to a fine of not less than \$50.00 nor more than \$750.00 unless a fine for the violation of this code is listed in the Village Code of Glen Ellyn, Illinois, then the more stringent shall apply. Each day that a violation continues after due notice has been served shall be deemed a separate offense.” Mr. Kvpil stated that this amendment adds language and fine amounts consistent with the language through the Village Code.

Add new Section 108.2.2 as follows: “108.2.2 Closing Safeguards. Vacant structures that are ordered to be closed and secured shall have all doors, windows and openings completely covered and securely fastened with solid weather resistant material to temporarily prevent access to the premises. The covering material shall match or be painted to match the general color of the structure.” Mr. Kvpil responded to Chairman Ryan that painting the covering material is for appearance purposes. Mr. Kvpil stated that Appendix A, “Boarding Standards,” of the IPMC is excessive and will not be adopted by the Village.

Amend Section 109.5 to insert the following: “109.5 Cost of Emergency Repairs and Temporary Safeguards. Costs incurred in the performance of emergency work and temporary safeguards 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 or condition is or was located for the recovery of such costs.” Mr. Kvpil stated that upon the failure of an owner to provide safeguards in a specified time, the code official can have a building closed, and this amendment is proposed to be added to cover Village costs associated with temporary safeguards. Although some BBA members suggested possibly including placing a lien on property, they were in general agreement with this amendment.

Delete Sections 111.2, 111.3, 111.4, 111.5 and 111.6 in their entirety because the structure, responsibilities, and procedures of the BBA are established in Title 2, Chapter 7, of the Village Code. The BBA members were in agreement with these amendments.

Sections 111.7 and 111.8 regarding Court Review and Stays of Enforcement will be forwarded to the Village Attorney for review.

Amend Section 112.4 Failure to Comply to insert fine amounts. “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 \$50.00 dollars or more than \$750.00 dollars.” Mr. Kvpil stated that the court generally asks the Village for a dollar amount recommendation.

Add new Section 302.2.1: “302.2.1 Groundcover. The premises shall be covered with turf grass, groundcover plants or other approved vegetation or materials and maintained in good condition to prevent soil erosion by water or wind action.” Chairman Ryan asked

if a list of approved vegetation materials was available, and Mr. Kvapil replied no and explained that “approved” means acceptable to the authority with jurisdiction.

Delete Section 302.4 in its entirety and substitute the following: “302.4 Weeds. The control of weeds shall be in accordance with Title 12, Chapter 7 of the Village Code of Glen Ellyn, Illinois. Mr. Kvapil displayed Title 12, Chapter 7 of the Village Code.

Delete Section 302.8 in its entirety and substitute the following: “302.8 Motor Vehicles. The control of abandoned vehicles shall be in accordance with Title 7, Chapter 8 of the Village Code of Glen Ellyn, Illinois.” Mr. Kvapil displayed Title 7, Chapter 8 of the Village Code.

Add new Section 302.10 as follows: “302.10 Dead Vegetation. Any vegetation, shrub or tree that is dead and in the opinion of the Code official is no longer capable of providing erosion control or may cause property damage or personal injury shall be removed by the owner of the premises.”

Add new Section 302.11 as follows: “302.11 Corner Lot Landscaping. All landscaping on corner lots within the visibility triangle shall be maintained in accordance with the Zoning Code, Chapter 5, Section 5(B)2, Title 10 of the Village Code of Glen Ellyn, Illinois.” Mr. Kvapil explained that this section is proposed to be added to the IPMC in order to regulate the height of landscaping at corners for safety purposes regarding sight lines. Mr. Kvapil illustrated the area of the “visibility corner” for the BBA members.

Add new Section 302.12 as follows: “302.12 Composting. Yard waste materials from the premises and adjoining parkway may be placed in a compost pile or container intended for composting use. The placement of materials other than grass, vegetation or leaves in a compost pile or container which attracts animals or vermin or which causes an obnoxious odor is prohibited. One compost pile or container shall be permitted on a zoning lot and shall not exceed .5% of the lot area. A compost pile or container is only permitted in the rear yard and set back a minimum distance of 5% of the lot width but not less than 3 feet from any property line and not less than 30 feet from any neighboring residential dwelling and shall not be placed in a utility or storm water easement or in any location that obstructs the natural flow of storm water runoff.” Mr. Kvapil stated that staff occasionally receives complaints regarding compost piles. Mr. Kvapil responded to Chairman Ryan that there are no regulations currently in the code that regulates composting.

Add new Section 302.13 as follows: “302.13 Outdoor Storage. Outdoor storage of materials and equipment is prohibited except where specifically permitted in a zoning district or where granted by Ordinance as a special use. Prohibited material and equipment include rubbish and garbage, construction and building materials, ice melting salt, soil or landfill material, brush and limbs, logs and firewood, snow removal equipment, landscaping equipment, construction equipment, furnishings and fixtures intended for use within a building and similar items. The following items are allowed to be stored outdoors when located in the rear yard and set back a minimum of 10% of the

lot width, but not less than 6.5 feet, from any property line; rubbish and garbage in approved refuse containers, firewood not to exceed two face cords, lawn furniture and ornaments, outdoor cooking equipment, recreational equipment and construction equipment and materials required for the construction of a project under a current valid building permit.” Mr. Kvapil stated that a significant number of complaints are received regarding this item. He added that some discretion by the Building and Zoning Official will be required because it is impossible to list all items that can legally be outdoors. One of the Board Members questioned the rear yard storage limitation for corner lots, and Mr. Kvapil stated he will revise this section accordingly. Mr. Kvapil responded to a Board member that he used the typical residential zoning setbacks in his calculations. Mr. Kvapil stated that the Zoning Code provides specific information regarding outdoor storage for commercial properties. Mr. Kvapil stated he will re-review this proposed section to the IMPC and will check the Zoning Ordinance regarding residential outdoor storage regulations.

Add new Section 302.14 as follows: “302.14 Holiday decorations. Holiday displays, lights, signs and temporary decorative items shall not be displayed sooner than 30 days prior to the holiday and shall be removed no later than 60 days after the holiday. All displays that include electrical fixtures and equipment shall be installed in compliance with all requirements for temporary power and lighting in the current adopted edition of the National Electrical Code in accordance with Title 4, Chapter 2 of the Village Code of Glen Ellyn, Illinois.” Mr. Kvapil stated that there is a limited description of regulations in the Sign Code regarding holiday decorations. The maximum number of days holiday decorations are allowed is 60 days. Mr. Kvapil suggested the possibility of amending the Sign Code and not adding a new Section to the IPMC.

Mr. Kvapil responded to a Board member that Section 303 regarding swimming pools, spas and hot tubs is covered in the building code and both sections are identical.

Amend new Section 302.3.1 as follows: “304.3.1 Unit Identification. Every dwelling unit and every commercial business unit that share a common entrance door in a building with another unit shall be provided with a room, apartment, suite or other approved address number. Address numbers shall be Arabic numerals or alphabet letters with a minimum height of 2 inches and a minimum stroke width of .25 inches in a contrasting color with their background and shall be installed and maintained on or adjacent to the entrance door of the unit at a height not less than 5 feet or more than 6 feet above the floor.” BBA member/Fire Chief Raffensparger stressed the importance of this section for emergency response purposes.

Amend Section 304.7 to add the following (added words are in italics): “304.7 Roofs and Drainage. Roof water, *ground water or water within pools, spas or other containers* shall not be discharged in a manner that creates a public nuisance *or increases or concentrates the natural runoff water flow causing soil erosion, or the accumulation of water, soil or debris, or a hazardous condition or damage on or to adjacent public or private property.*” A Board Member suggested adding sump pump discharge, and all BBA members agreed. Chairman Ryan asked how a swimming pool can be emptied, and

Mr. Kvapil responded that a hose can be emptied into the street or the water can be slowly absorbed into the subject property.

Amend Section 304.13 to add the following (added words are in italics): “304.13 Window, skylight and door frames. *No temporary repair of a broken or damaged window, skylight or door shall remain in place for more than 30 days unless an extension has been granted by the Code official.*”

Amend Section 304.14 to insert dates (added words are in italics): “304.14 Insect screens, *April 1<sup>st</sup> to November 1<sup>st</sup>.*”

Delete Section 308.1 in its entirety and substitute the following: “308.1 Accumulation of Rubbish and Garbage. The control of rubbish and garbage shall be in accordance with Title 7, Chapter 6 of the Village Code of Glen Ellyn, Illinois.” In addition, delete Sections 308.2 and 308.3 in its entirety.

Delete Sections 404.5 and 404.6 regarding occupancy limitations. Mr. Kvapil stated that he did not feel these items are applicable to maintenance issues and are unenforceable. He stated that the code has provisions if there are health or safety issues related to a dwelling unit no matter how many people are residing there and that there could be legal issues when trying to regulate how many people live in a unit. Mr. Kvapil responded to some BBA members that occupancy limitations are addressed in the Building Code although no specific numbers are stated for residential units. Mr. Kvapil responded to Chief Raffensparger that 15 people living in a basement would have to prove that they are family members in order to live there, and Chief Raffensparger was not in favor of deleting the sections for safety reasons.

Delete Section 602.3 in its entirety and substitute the following: “602.3 Heat Supply. Heating requirements shall be in accordance with Title 4, Chapter 1, of the Village Code of Glen Ellyn, Illinois.”

Amend Section 602.4 to insert dates (added words are in italics): “602.4 Occupiable Work Spaces. *October 1<sup>st</sup> to May 15<sup>th</sup>.*”

Regarding Section 605.1 Installation of Electrical Equipment, Mr. Lustrup felt this section should state that the installation of electrical equipment should be done in accordance with the Village Code that covers electrical work. Mr. Kvapil agreed with Mr. Lustrup’s recommendation.

Amend Section 606.1 in its entirety and substitute the following: “606.1 General. Elevators, dumbwaiters, escalators and lifts shall be maintained in compliance with the Safety Code for Elevators and Escalators (ASME A17.1-2007/CSA B44-07), Performance Based Safety Code for Elevators and Escalators (ASME A17.1-2007/CSA B44.7-07), Guide for the Inspection of Elevators, Escalators and Moving Walks (ASME A17.2-2004), Safety Code for Existing Elevators and Escalators (ASME A17.3-2005) and Safety Standard for Platform Lifts and Stairway Chairlifts (ASME A18.1-2005) in

accordance with the Elevator Safety Act (225 ILCS 312/) and the Administrative Code, Title 41, Chapter II, Part 1000), administered by the Village of Glen Ellyn under a Municipality Program Agreement with the Office of the Illinois State Fire Marshall, State of Illinois.”

Delete Section 606.2 regarding elevators in its entirety as elevators are addressed elsewhere in the code.

Delete Section 701.1 in its entirety and substitute the following: “701.1 General. All existing buildings, structures and premises shall be maintained in compliance with NFPA 101, Code for Safety to Life from Fire in Buildings and Structures, known as the Life Safety Code, 2000 Edition in accordance with the Fire Investigation Act (425 ILCS 25/) and the Administrative Code, Title 41, Chapter 1, part 100, administered by the Office of the Illinois State Fire Marshall, State of Illinois.” Also delete Section 702 in its entirety, Section 703 in its entirety and Section 704 in its entirety. All of the above sections are deleted because the Village intends to adopt the NFPA 101 Life Safety Code which is very comprehensive.

Chairman Ryan asked the BBA members if they felt single-family homes and commercial properties should be treated equally regarding the Property Maintenance Code. Some BBA members expressed concern that staff would be required to enforce compliance of minor maintenance issues in single-family homes but decided that both single-family and commercial properties should be treated equally.

#### Chairman’s Report

Chairman Ryan announced the next meeting will be held on June 7, 2010.

#### Staff Report

Mr. Kvapil stated that the next code to be reviewed is the Life Safety Code. There being no further business before the Building Board of Appeals, the meeting was adjourned at 10:32 p.m.

Submitted by  
Barbara Utterback

Reviewed by  
Joe Kvapil, Building & Zoning Official