

**VILLAGE OF THIRD LAKE  
LAKE COUNTY, ILLINOIS  
THIRD LAKE, ILLINOIS**

**ORDINANCE NO. 21-06-01**

**AN ORDINANCE PROVIDING FOR THE REGULATION OF PROPERTY  
MAINTENANCE AND REPEALING ORDINANCE NO. 14-07-01**

**BOARD OF TRUSTEES  
VILLAGE OF THIRD LAKE, ILLINOIS**

**This 21<sup>st</sup> day of June 2021**



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**Michelle Smith, Village Clerk**

**Published in pamphlet form by the authority of the Board of Trustees of the  
Village of Third, Lake County, Illinois this 21<sup>st</sup> day of June 2021**



## **ORDINANCE NO. 21-06-01**

### **AN ORDINANCE PROVIDING FOR THE REGULATION OF PROPERTY MAINTENANCE AND REPEALING ORDINANCE NO. 14-07-01**

BE IT ORDAINED by the President and Board of Trustees of the Village of Third Lake, Lake County, Illinois, as follows:

#### **SECTION ONE: ADMINISTRATION**

- A. Village jurisdiction. The Village has jurisdiction to inspect properties and take appropriate measures to ensure compliance with this Ordinance.
- B. Scope. The provisions of this Ordinance shall apply to all existing residential and nonresidential structure(s) and all existing premises and constitute minimum requirements and standards for premises, structure(s), equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structure(s) and premises, and for administration, enforcement and penalties.
- C. Intent. This Ordinance shall be construed to secure its expressed intent, which is to ensure public health, safety, and welfare in so far as they are affected by the continued occupancy and maintenance of structure(s) and premises.
- D. Existing remedies. The provisions in this Ordinance shall not be construed to abolish or impair any other existing remedies of the Village relating to the removal or demolition of any structure which is dangerous, unsafe, or insanitary.
- E. Duties of code official. The code official shall enforce the provisions of this Ordinance and shall make all of the required inspections or shall accept reports of inspection by approved individuals. The code official is authorized to enter the structure or premises at reasonable times to inspect, subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

#### **SECTION TWO: DEFINITIONS**

- A. Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

- B. Terms defined in other codes. Where terms are not defined in this Ordinance and are defined in the *ICC International Residential Code, 2012 Edition, ICC International Fire Code, 2012 Edition, State of Illinois Plumbing Code, ICC International Mechanical Code, 2012 Edition, the NFPA 70 National Electrical Code/201J Edition*, all as modified and adopted by the Village, or any such successor codes regulating the same subjects as may be adopted by the Village, or the Village's Zoning Ordinance as adopted from time to time, such terms shall have the meanings ascribed to them as stated in those codes.
- C. Terms not defined. Where terms are not defined through the methods authorized by this Section, such terms shall have ordinarily accepted meanings such as the context implies.
- D. Parts. Whenever the words "dwelling unit," "dwelling," "premises," "building," or "housekeeping unit" are stated in this Ordinance, followed by the words "or any part thereof," they shall be construed as though they were followed by the words "or any part thereof."
- E. Defined terms. Unless otherwise expressly stated, the following terms shall, for the purposes of this Ordinance, have the following meanings:

*Approved:* Approved by the code official.

*Abandoned Residential Property:* Any type of permanent residential dwelling unit, including detached single family structures, and townhouses, condominium units and multifamily rental apartments covering the entire property, and manufactured homes treated under Illinois law as real estate and not as personal property, that has been unoccupied by any lawful occupant or occupants for at least ninety (90) days, and for which after such ninety (90) day period, the Village has made good faith efforts to contact the legal owner or owners of the property identified on the recorded mortgage, or, if known, any agent of the owner or owners, and no contact has been made. A property for which the municipality has been given notice of the order of confirmation of sale pursuant to subsection (b-10) of Section 15-1508 of the Code of Civil Procedure shall not be deemed to be an abandoned residential property for the purposes of subsection (d) of Section 11-20-7, subsection (d) of Section 11-20-8, subsection (d) of Section 11-20-12, subsection (e) of Section 11-20-13 and Section 11-31-1.01 of the Illinois Municipal Code.

*Code Official or Village Official:* The Village President or designee.

*Commercial Property:* Property that is classified in the Community Business, General Business or Light Industrial zoning districts, as such terms are defined under Ordinance No. 02-06-03, Article I, Section II, or any other non-residential zoning districts defined in a successor zoning ordinance passed by the corporate authorities of the Village.

*Dwelling Unit:* A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

*Exterior Property:* The open space on the premises and on adjoining property under the control of owners or operators of such premises.

*Extermination:* The control and elimination of insects, rats, or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

*Garbage:* The animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

*Habitable Space:* Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, basements, storage or utility spaces and similar areas are not considered habitable spaces.

*Housekeeping Unit:* A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking, and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

*Infestation:* The presence, within or contiguous to, a structure or premises of insects, rats, vermin, or other pests.

*Occupancy:* The purpose for which a building or portion thereof is utilized or occupied.

*Occupant:* Any individual living or sleeping in a building or having possession of a space within a building.

*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, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

*Person:* An individual, corporation, partnership, or any other group acting as a unit.

*Premises:* A lot, plot or parcel of land, easement, or public way, including any structures thereon.

*Residential Property:* Property that is classified in the Residential District R-1, Residential District R-2, Residential District R-3 or Multifamily Residential District MR zoning districts, as such terms are defined under Ordinance No. 02-06-03, Article I, Section II, or any non-commercial zoning district defined by a successor zoning ordinance passed by the corporate authorities of the Village.

*Rubbish:* Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, plastics, crockery, dust, and other similar materials.

*Tenant:* A person, corporation, partnership, or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

*Vacant:* For purposes of this Ordinance, "vacant" means a structure that is lacking the habitual presence of human beings, who have a legal right to be on the premises, for 90 consecutive days, or at which substantially all lawful business or construction activity or residential occupancy has ceased, or which is substantially devoid of contents. A multi-family residential property shall be considered vacant when fifty percent or more of the dwelling units are unoccupied. For the purposes of this Ordinance, exceptions to this definition of "vacant" shall be made for properties that are actively listed for sale and for those properties which are under active, ongoing rehabilitation or reconstruction and are under permit with the Village.

*Ventilation:* The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

### **SECTION THREE: GENERAL**

- A. Responsibility. The owner of the premises shall maintain the structure(s) and exterior property in compliance with these requirements, except as otherwise provided for in this Ordinance. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition, and which do not comply with the requirements of this Ordinance. Occupants of a dwelling unit or housekeeping unit are responsible for keeping in a clean, sanitary, and safe condition that part of the dwelling unit, housekeeping unit or premises which they occupy and control.
- B. Vacant structure(s) and land. All vacant structure(s) and premises thereof or vacant land shall be maintained in a clean, safe, secure, and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety. The Village shall have the right to secure or enclose abandoned residential

property pursuant to the provisions of 65 ILCS 5/11-31-1.01 without application to the circuit court and shall be entitled to recover the costs of such activity pursuant to the provisions of 65 ILCS 5/11-20-15.1.

#### **SECTION FOUR: EXTERIOR PROPERTY**

- A. Sanitation. All exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean, safe, and sanitary condition.
- B. Grading and drainage. All premises shall be graded and maintained to prevent the erosion for soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. Exception: Approved retention areas and reservoirs.
- C. Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions. The natural accumulation of snow shall not be considered a hazardous condition.
- D. Weeds. All premises and exterior property shall be maintained free from weeds in accordance with Ordinance No. 21-06-02, or any successor ordinance regulating weed growth passed by the corporate authorities of the Village. All premises shall be maintained free of dead trees.
- E. Vermin harborage. All structure(s) and exterior property shall be kept free from rodent harborage and infestation. Where vermin are found, they shall be promptly exterminated by approved processes which will not be injurious to human or domestic animal health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.
- F. Exhaust vents. Pipes, ducts, conductors, fans, or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes within five (5) feet of abutting or adjacent public or private property or that of another tenant.
- G. Accessory structure(s). All accessory structure(s) including detached garages, fences, walls, sheds, piers, etc. shall be maintained structurally sound and in good repair.
- H. Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

- I. Swimming pools, spas and hot tubs. Swimming pools, spas and hot tubs shall be maintained in accordance with Ordinance No. 10-06-03, or any successor ordinance regulating such matters passed by the corporate authorities of the Village.

## **SECTION FIVE: EXTERIOR STRUCTURE**

- A. General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety, or welfare.
- B. Protective treatment. All exterior surfaces, including but not limited to doors, door and window frames, cornices, porches, trim, balconies, decks, and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by use of paint or other protective covering or treatment. Peeling, flaking and chipped paint greater than 10 percent of painted surface shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors and skylights shall be maintained weather resistant and watertight. All metal surfaces subject to rust or corrosion and all surfaces with rust or corrosion greater than 10 percent of the surface shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement (e.g., Copper flashing, etc.).
- C. Premise's identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property.
- D. Structural members. All structural members shall be capable of safely supplying the imposed dead or live loads.
- E. Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition as to prevent the entry of vermin and other pests.
- F. Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
- G. Roofs and drainage. The roof and flashing shall be sound tight, and not have any defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts where required shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.



- H. Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- I. Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- J. Stairways, decks, porches, and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
- K. Chimneys and towers. All chimneys, cooling towers, smokestacks, and similar appurtenance shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment if necessary.
- L. Handrails and guards. Every handrail and guard on the exterior shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- M. Windows, skylight, and door frames. Every window, skylight and door frame shall be kept in sound condition, good repair, and weather tight.
- N. Glazing. All glazing materials shall be maintained free from cracks and holes.
- O. Openable windows. Every window that must be openable by code shall be openable and capable of being held in position by window hardware.
- P. Doors. All exterior doors door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. All exterior doors, door assemblies and hardware must perform their intended functions properly (i.e., open, and close easily and keep out the elements) and not impede egress because of difficulty in operation or release.
- Q. Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of vermin, rain, and surface drainage water.

## **SECTION SIX: INTERIOR STRUCTURE(S)**

- A. General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.
- B. Structural members. All structural members shall be maintained structurally sound and be capable of supporting the imposed loads.
- C. Elevators, escalators, and dumbwaiters. Elevators, dumbwaiters, and escalators shall be maintained in compliance with ASME A 17.1. The most current certification of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, or the certificate shall be available for public inspection in the office of the building operator. The inspection and tests shall be performed at not less than the periodical intervals listed in ASME A 17.1, Appendix: N, except where otherwise specified by the authority having jurisdiction.

In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied. Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

- D. Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck, or other walking surface shall be maintained in sound condition and good repair.
- E. Handrails and guards. Every handrail and guard in the interior shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- F. Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

## **SECTION SEVEN: SPACE, LIGHT, AND VENTILATION**

- A. Space. The minimum room width for a habitable room, other than a kitchen, shall not be less than eight feet (8') in any plan dimension. Kitchens shall have a clear

passageway of not less than three feet (3') between counter fronts and appliances or counter fronts and walls.

- B. Light. Every habitable space shall have at least one (1) window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent (8%) of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than three feet (3') from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room. Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent (8%) of the floor area of the interior room or space, but not less than twenty five (25) square feet. The exterior glazing area shall be based on the total floor area being served.

In lieu of the means for natural light herein prescribed, artificial light shall be permitted.

- C. Ventilation. Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least forty five percent (45%) of the minimum glazed area required above except where room and spaces without opening to the outdoors are ventilated through an adjoining room shall be at least eight percent (8%) of the floor area of the interior room or space, but not less than twenty-five (25) square feet. The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

In lieu of the means for ventilation herein prescribed, mechanical ventilation complying with the applicable building codes shall be permitted.

## **SECTION EIGHT: RUBBISH AND GARBAGE**

All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

## **SECTION NINE: ENFORCEMENT AND PENALTY**

Any person violating any of the provisions of this Ordinance or failing or refusing to comply with the provisions of any notice herein provided for within the time period as specified in said notice, or who shall resist or obstruct any duly authorized representative of the Village in carrying out any provision of this Ordinance, shall, upon conviction, be subject to a fine of

not less than Fifty Dollars (\$50) nor more than Seven Hundred Fifty Dollars (\$750) for each offense. Each day any violation continues shall constitute a separate offense. The fine authorized by this section shall be in addition to any cost or expense or reimbursed to the Village pursuant to any other provision of this Ordinance.

Notwithstanding the foregoing, whenever any Village officer or official authorized to charge a person or arrest a person without a warrant for a violation of this Ordinance, the Village officer or official may, in lieu of filing a complaint in court, issue the alleged violator a citation, which citation shall contain statements which in substance: advise the person that s/he has violated a specific Ordinance; request him/her to make payment as set forth herein as settlement of the violation claim; and inform him that upon failure to so settle, a complaint will be filed in the Circuit Court of Lake County, 19th Judicial Circuit Court, charging him/her with the violation. For purposes of this Section, Village officers authorized to issue citations shall include, but not be limited to, the Village President or designee.

Pursuant to said citation, a person accused of the violation may settle the violation claim by paying to the Village the amount of Fifty Dollars (\$50) within a period to be specified in the citation, which period shall not be more than ten (10) days from the time the alleged violation was committed. The settlement payment shall be made in accordance with the instruction contained in the citation at the Office of the Village Clerk.

In the event that the person to whom the citation is issued fails to settle and pay the violation claim within ten (10) days of issuance of the citation, a second notice shall be issued. If the payment of the prescribed amount plus One Hundred Dollars (\$100) is not made within 15 days of issuance of the second notice, a final notice shall be issued. If a final notice is issued, the settlement payment shall be Five Hundred Dollars (\$500), which settlement payment shall be due within 30 days of issuance of the final notice. If payment of the final settlement amount is not made within said 30 day period, then the Village President (or designee) is authorized to cause a notice to appear to be served upon the alleged violator and the Village President (or designee) is authorized to file a complaint and to prosecute the complaint in the 19th Judicial Circuit Court of Lake County.

For purposes of this Ordinance, "Village official" shall mean the Village President or designee.

## **SECTION TEN: RECOVERY OF COSTS**

If the Village elects to incur a removal cost pursuant to subsection (d) of Section 11-20-7, subsection (d) of Section 11-20-8, subsection (d) of Section 11-20-12, subsection (e) of Section 11-20-13, or a securing or enclosing cost pursuant to Section 11-31-1.01 of the Illinois Municipal Code, all with respect to an abandoned residential property, then that cost shall be a lien upon the underlying parcel of that abandoned residential property; provided, however, that to perfect such lien, the Village shall follow the procedures set forth in 65 ILCS 5/11-20-15.1.

**SECTION ELEVEN: SEVERABILITY**

If any section, paragraph, clause, sentence, or provision of this Ordinance shall be found and determined to be in valid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

**SECTION TWELVE: REPEALER**

All ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed. In addition, Ordinance No. 14-07-01 is hereby repealed in its entirety.

**SECTION THIRTEEN: EFFECTIVE DATE**

This Ordinance shall be in full force and effect ten (10) days from and after its passage, approval and publication in pamphlet form as provided by law.

AYES: Hameister, Honegger, Mateja, Penny, Ruwiter  
NAYS: None  
ABSENT/NOT VOTING: Van Zeyl

PASSED: June 21, 2021  
APPROVED: June 21, 2021

*[Signature]*  
Village President

ATTEST:  
*Michelle Smith*  
Village Clerk

PUBLISHED: June 21, 2021



State of Illinois    )  
                                  ) ss.  
County of Lake    )

I, Michelle Smith, do hereby certify that I am the duly appointed, qualified and acting Municipal Clerk of the Village of Third Lake, Lake County, Illinois, and keeper of said Village, and that the attached and foregoing Ordinance is a true and correct copy of said Ordinance entitled:

**ORDINANCE NO. 21-06-01**

**AN ORDINANCE PROVIDING FOR THE REGULATION OF PROPERTY MAINTENANCE AND REPEALING ORDINANCE NO. 14-07-01**

**BOARD OF TRUSTEES  
VILLAGE OF THIRD LAKE, ILLINOIS**

**This 21<sup>st</sup> Day of June 2021**

**In Witness, I have hereunto set my hand and caused to be affixed the corporate Seal of the Village of Third Lake, Lake County, Illinois**

**Done at the Third Lake, Illinois this 21<sup>st</sup> day of June 2021**

**SEAL**



**Michelle Smith  
Village Clerk**

