

Chapter 19
BUILDING CODE

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19.01 BUILDING CODE ADOPTION

The following list of codes is hereby adopted as part of the Building Code of the City for the control of buildings and structures as therein provided in each code. Except as provided in Section 19.02 of this Code, each and all of the regulations, provisions, penalties, conditions and terms contained in each code described below are hereby referred to, adopted and made a part hereof as if fully set forth in this Code: (Ord. 2015-107, §1; Ord. 2013-101, §1; Ord. 2010-107, §1, Ord. 2006-135, §1; Ord. 2002-127, §1)

- A. International Building Code; 2012 Edition
- B. International Residential Code; 2012 Edition
- C. International Mechanical Code; 2012 Edition
- D. International Property Maintenance Code; 2012 Edition
- E. International Energy Conservation Code; 2012 Edition
- F. International Fuel Gas Code; 2012 Edition
- G. National Electric Code; 2011 Edition
- H. The State of Illinois Plumbing License Law Latest Edition
- I. International Fire Code; 2012 Edition
- J. Illinois Accessibility Code Latest Edition
- K. NFPA 13 Fire Sprinkler Code; 2013 Edition
- L. NFPA 72 Fire Alarm Code; 2013 Edition
- M. NFPA 101 Life Safety Code; 2006 Edition

19.02 EXCEPTIONS

Each and all of the regulations, provisions, penalties, conditions and terms contained in each code described in Section 19.01 are hereby referred to, adopted and made a part hereof as if fully set forth in this Code, except as provided below:

A. All words contained in the Building Code which refer to the municipality or other words of similar meaning shall mean the City of Harvard.

B. The words "municipal authority" and "government authority" and words of similar meaning shall, for the purposes of this Code, mean the Corporate Authorities of the City of Harvard.

C. The words "enforcing officer", "hearing officer", "building inspector" and "building official" and other words of similar meaning shall refer to the person or entity designated by Corporate Authorities to act in that capacity.

D. In the event there are any other exceptions to the codes described in Section 19.01 the Harvard Municipal Code shall prevail.

E. As an exception to 225 ILCS 320/3(2) (Illinois Plumbing License Law), all plumbing installations, alterations and repairs of plumbing systems shall be performed by a licensed plumber or apprentice plumber as defined by the Illinois Plumbing License Law 225 ILCS 320/2.

F. With respect to Section 106.4, Violation Penalties, of the International Property Maintenance Code, that Section shall be deleted and replaced with the following: Any person, firm, partnership or corporation who violates provisions of, or fails to comply with any of the requirements of the International Property Maintenance Code shall, upon conviction, be subject to a fine of not less than \$500.00 plus the City's cost of prosecution, including attorneys fees incurred by the City. Each day that a violation continues to exist shall be deemed a separate offense. (Ord. 2002-127,§3,2002; Ord. 98-104,1998; Ord. 94-136, §2, 1994)

G. Section PM-111.0, MEANS OF APPEAL, of the International Property Maintenance Code, latest Edition and supplement, is hereby repealed. (Ord. 2002-127, §2&4, 2002; Ord. 98-104,1998; Ord. 94-136, §2, 1994).

H. The imposition of any penalty pursuant to this Ordinance shall not preclude the City from instituting additional actions or proceedings in a court of proper jurisdiction to prevent an unlawful repair or maintenance; to restrain, correct or abate a violation; to prevent the occupancy of a building; to require compliance with the provisions of this Ordinance or other applicable laws, ordinances, rules or regulations. (Ord. 2002-127, §2;Ord. 98-104; Ord. 94-136,§2)

I. National Electric Code: Except as provided herein, all new buildings constructed in the following zoning districts shall be constructed using conduit: Business, Manufacturing, R-

3 Single Family Residence and all other Residential Districts, where inside walls are exposed, e.g. garage areas. (Ord. 2002-127,§2; Ord. 98-104,1998; Ord. 95-153,§1)

J. Delete all references in the International Residential Code; 2012 Edition, to Section P2904, Dwelling Unit Fire Sprinkler Systems. (Ord. 2015-107, §2)

K. Delete all references in the International Residential Code; 2012 Edition, to Section R309.5, Fire Sprinklers. (Ord. 2015-107, §2)

L. Delete all references in the International Residential Code; 2012 Edition to Section R313, Automatic Fire Sprinkler Systems. (Ord. 2015-107, §2)

M. Delete all references in the NFPA 101 Life Safety Code; 2006 Edition, to Section 24.3.5.1, Extinguishment Requirements. (Ord. 2015-107, §2)

19.03 RESIDENTIAL HOUSING REQUIREMENTS (Ord. 2002-105)

The following provisions shall apply to all residential housing in existence and occupied as of January 1, 2002:

1. Grounding of Electricity: This subsection covers general requirements for grounding and bonding of electrical installations, and the following specific requirements:
 - a. Systems, circuits and equipment required, permitted or not permitted to be grounded;
 - b. Circuit conductor to be grounded on grounded systems;
 - c. Location of grounding connections;
 - d. Types and sizes of grounding and bonding conductors and electrodes;
 - e. Methods of grounding and bonding; and
 - f. Conditions under which guards, isolation or insulation may be substituted for grounding.

2. General Requirements for Grounding and Bonding: The following general requirements identify what grounding and bonding of electrical systems are required to accomplish. The prescriptive methods contained herein shall be followed to comply with the performance requirements of this Section 19.03.
 - a. Grounding of Electrical Systems: Electrical systems that are required to be grounded shall be connected to earth in a manner that will limit the voltage imposed by lightning, line surges or unintentional contact with higher voltage lines and that will stabilize the voltage to earth during normal operation.

- b. **Grounding of Electrical Equipment:** Conductive materials enclosing electrical conductors of equipment, or forming part of such equipment, shall be connected to earth to limit the voltage to ground on these materials. Where the electrical system is required to be grounded, these materials shall be connected together and to the supply system grounded conductor as specified herein. Where the electrical system is not solidly grounded, these materials shall be connected together in a manner that establishes an effective path for fault current.
 - c. **Bonding of Electrically Conductive Materials and Other Equipment:** Electrically conductive materials, such as metal water piping, metal gas piping and structural steel members, that are likely to become energized, shall be bonded as specified herein to the supply system grounded conductor or, in the case of the ungrounded electrical system, to the electrical system grounded equipment, in a manner that establishes an effective path for fault current.
3. **Countertop Receptacle Outlets and Ground Fault Interrupter:** A receptacle outlet and ground fault interrupter shall be installed at each island or peninsular countertop with a long dimension of 24 inches or greater and a shorter dimension of 12 inches or greater. Receptacle outlets and interrupters to serve island or peninsular countertops shall be installed above, or within 12 inches below, the countertop. Receptacle outlets and interrupters shall be installed so that no point along the centerline of the long dimension is more than 24 inches, measured horizontally, from a receptacle outlet in that space. A peninsular countertop is measured from the connecting point. Receptacles installed in the kitchen to serve countertop surfaces shall be supplied by not less than two small appliance branch circuits.
 4. **Romex Type Electrical Wire Prohibited:** Unless located entirely within the walls of the structure, non-metallic sheathed electric cable shall be prohibited.
 5. **Potable Water Service Line Pipe:** The potable water service line pipe size shall be determined by appliance load value in accordance with the following tables:

TABLE 1

LOAD VALUES ASSIGNED TO FIXTURES			
Fixture	Occupancy	Type of Supply	Total Load Value in Water
Water closet	Public	Flush valve	10
Water closet	Public	Flush tank	5
Urinal	Public	1" flush valve	10
Urinal	Public	3/4" flush valve	5
Urinal	Public	Flush tank	3
Lavatory	Public	Faucet	2
Bathtub	Public	Faucet	4

LOAD VALUES ASSIGNED TO FIXTURES			
Shower head	Public	Mixing valve	4
Service sink	Offices, etc.	Faucet	3
Kitchen sink	Hotel, Restaurant	Faucet	4
Drinking fountain	Offices, etc.	3/8" valve	0.25
Water closet	Private	Flush valve	6
Water closet	Private	Flush tank	3
Lavatory	Private	Faucet	1
Bathtub	Private	Faucet	2
Shower stall	Private	Mixing valve	2
Kitchen sink	Private	Faucet	2
Laundry trays (1-3)	Private	Faucet	3
Combination Fixture	Private	Faucet	3
Dishwashing machine	Private	Automatic	1
Laundry machine 8#	Private	Automatic	2
Laundry machine 8#	Public/general	Automatic	3
Laundry machine 16#	Public/general	Automatic	4

TABLE 2

SERVICE LINE SUPPLY SYSTEM		
W.S.F.U.	Pipe Size in Inches	Meter Size in Inches
8	3/4"	5/8"
10	3/4"	3/4"
12	3/4"	3/4"
14	3/4"	3/4"
16	3/4"	3/4"
20	3/4"	3/4"
25	1"	3/4"
30	1"	1"
35	1 1/4"	1"
40	1 1/4"	1"
45	1 1/4"	1"

SERVICE LINE SUPPLY SYSTEM		
50	1 1/4"	1"
60	1½"	1½"
70	1½"	1½"
80	1½"	1½"
90	1½"	1½"
100	1½"	2"
120	2"	2"
140	2"	2"
160	2"	2"
180	2"	2"
200	2"	2"
225	2"	2"
250	2"	3"
250	2½"	3"
275	2½"	3"
300	2½"	3"
350	2½"	3"
400	2½"	3"
450	2½"	3"
500	3"	3"
600	3"	4"
750	3"	4"
1000	4"	4"
1250	4"	4"
1500	4"	4"
1750	4"	4"
2000	6"	6"

6. Hot Water Heater Safety Devices: All equipment used for heating water or storing hot water shall be provided with an appropriate relief valve or valves to protect against excessive or unsafe temperature and/or pressure. This shall be achieved by installing either a pressure relief valve and a temperature relief valve or by installing a combination pressure-temperature relief valve. In addition:
- a. Pressure Relief Valves: Pressure relief valves shall have an ASME relief rating to meet the pressure conditions specified on the equipment served.

- b. Temperature Relief Valves: Temperature relief valves shall bear an American Gas Association (AGA) relief rating, expressed in British Thermal Units (BTU) of heat input per hour.
- c. Relief Discharge Outlet:
 - i. A relief discharge outlet shall be indirectly connected to waste. The discharge pipe from the relief valve shall not be located in such a way to create a safety hazard or to discharge in such a way as to cause damage to the building or its contents. The relief valve shall not discharge through a wall into the outside atmosphere or where there is a possibility of freezing.
 - ii. No reduced coupling, valve or any other restriction shall be installed in the discharge line of any relief valve that would impede the flow of discharge. The discharge line shall be installed from the relief valve to within six inches of the floor or receptor and the end of such line shall not be threaded.

7. Gas Valves:

- a. Approved Type: Gas valves shall be listed and labeled or approved for fuel gas service and compatible with the gas piping served. Manually operated gas valves shall conform to ANSI Z21.15 or ANSI/ASME B 16.33.
- b. Size: Gas valves shall be equivalent in nominal size to the piping served.
- c. Shutoff Valves: An accessible, approved shutoff valve shall be installed in the fuel-gas piping outside of each appliance and ahead of the union connection thereto in addition to any valve provided on the appliance. Such valve shall be within six feet of the appliance it serves and in the same room or space where the appliance is located.
- d. Appliance Removal: Shutoff valves may be accessibly located inside or under an appliance which such appliance can be removed without removal of the shutoff valve.
- e. Wall Appliance: Shutoff valves may be accessibly located inside wall heaters and wall furnaces listed for recessed installations where necessary maintenance can be performed without removal of the shutoff valve.
- f. Fireplace Outlets: Gas outlets located in fireplaces shall be controlled by a listed and labeled shutoff valve located in the same room outside the hearth and not more than four feet from the outlets. When gas piping on the discharge side of the valve penetrates the masonry hearth or walls, it shall be embedded in or surrounded by not less than 1½ inches of concrete or masonry or encased in a metal sleeve. The space between the gas pipe and the sleeve shall be sealed with a

high-temperature compound to prevent hot embers from endangering adjacent combustible surfaces.

- g. **Quick-Disconnect Devices:** Gas utilization equipment may be connected to the building piping by means of a listed and labeled quick-disconnect device. When installed indoors, a manual shutoff valve shall be installed upstream of the quick-disconnect device. Gas convenience outlets conforming to AGA Requirement 7-90 shall not require a manual valve upstream of the device.

- 8. **Required Outdoor Lighting:** The owner of every multiple family dwelling shall install and maintain a light or lights at or near the outside of the front entrance-way of the building which shall in the aggregate provide not less than 50 watts incandescent illumination for a building with a frontage up to 22 feet and 100 watts incandescent illumination for a building with a frontage in excess of 22 feet, or equivalent illumination and shall be kept burning from sunset every day to sunrise on the day following. In the case of a multiple family dwelling with a frontage in excess of 22 feet, the front entrance doors of which have a combined width in excess of five feet, there shall be at least two lights, one at each side of the entrance way, with an aggregate illumination of 150 watts or equivalent illumination. The owners shall determine the actual location, design and nature of the installation of such light or lights to meet practical, aesthetic and other considerations, so long as the minimum level of illumination is maintained.

- 9. **Exterior Maintenance:**

Exterior Property Areas

- a. **Sanitation:** All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The owner shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.
- b. **Grading and drainage:** Except for designated water retention areas approved by the City, all premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.
- 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. For purposes of this subsection “hazardous conditions” shall include but not be limited to gravel driveways with potholes deeper than six inches and wider than four inches.
- d. **Rat harborage:** All structures and exterior property shall be kept free from rat infestation. Where rats are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

- e. 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 directly upon abutting or adjacent public or private property or that of another tenant.
- f. Accessory structures: All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

Exterior Structures

- 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. Exterior painting: All wood and metal surfaces, including but not limited to, window frames, doors, door frames, cornices, porches and trim shall be maintained in good condition. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted.
- c. Street numbers: Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way. All numbers shall be in arabic numerals at least three inches high and ½ inch stroke.
- d. Structural members: All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and 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 so as to prevent the entry of rats.
- f. Exterior walls: All exterior walls shall be free from holes, breaks, 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 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 down spouts 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 canopies, marquees, signs, metal awnings, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly 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. Stair and walking surfaces: Every stair, ramp, balcony, porch, deck or other walking surface shall comply with the provisions of the applicable property maintenance code provisions incorporated in this Chapter 19.
- k. 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.
- l. Chimneys and towers: All chimneys, cooling towers, smoke stacks, and similar appurtenances 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.
- m. Handrails and guards: Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- n. Window and door frames: Every window, door and frame shall be kept in sound condition, good repair and weather tight.
- o. Glazing: All glazing materials shall be maintained free from cracks and holes.
- p. Openable windows: Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.
- q. Insect screens: Every door and window opening to a habitable room of a residential structure shall be supplied with an approved tightly fitted screen.
- r. Doors: All exterior doors and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door.
- s. Basement hatchways: Every basement hatchway shall be maintained to prevent the entrance of rats, rain and surface drainage water.
- t. Guards for basement windows: Every basement window that is openable shall be

supplied with rat proof shields, storm windows or other approved protection against the entry of rats.

19.04 PERMIT SCHEDULE

A. Any person or entity issued a building permit shall begin construction within 90 days after the permit is issued.

B. No excavation or ground stripping shall be allowed prior to the issuance of a building permit without the express written permission of the Building and Zoning Commissioner.

C. Building Permits shall expire if work is not completed within the time designated after a building permit is issued:

1. Residential and multiple family dwelling, 12 months; (Ord. 2007-104)
2. Commercial/industrial building, 24 months;
3. Garage, six months;
4. Remodeling and additions, 12 months; and
5. Fences, sidewalks, patios and swimming pools, two months.

D. If, after the expiration of the building permit, the work for which the building permit was issued has not been completed, the permit holder must request an extension of said permit from the Building and Zoning Commissioner. Permits may be extended for no more than 90 days upon a showing by said permit holder that construction was not completed in the prescribed time through no fault of his own. If the permit holder cannot show that the delay was through no fault of his own, the permit will be extended for no more than 30 days. Notwithstanding this subsection, the City is not required to extend any permit.

E. If construction activity is dormant for six weeks during the permit period the permit will be deemed expired.

F. Construction not completed within the prescribed time will constitute a violation of the Harvard Building Code and each day the work is not completed shall be considered a separate violation and subject to fine. Said fine shall not be less than \$100.00 nor more than \$500.00.

G. Building Permit Fee Schedule. The fee for each plan examination, building permit, storm water management permit and inspection shall be paid pursuant to Chapter 20, City Fees and Charges, of this Code before a building permit is issued. (Ord. 2011-114, §2)

19.05 LICENSE

Every tradesman, general contractor or subcontractor engaged in any kind of construction work, remodeling, repair, moving or demolition of buildings or structures or parts, services or equipment thereof, within the City, shall be annually licensed by the City prior to rendering any

such service. The license year will run from January 2 through January 1 of the following year. Application forms for the annual license are available from City Hall and will include, but not be limited to, evidence of sufficient liability insurance. A violation of any City ordinance shall be considered grounds for revocation of a license. The annual license fee shall be paid pursuant to Chapter 20, City Fees and Charges of this code and shall not be prorated or transferable. (Ord. 2006-129, §II)

19.06 UNLAWFUL CONTINUANCE

Any person who continues any work in or about a structure 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 \$25.00 nor more than \$500.00. Each day on which such work shall continue after a stop work order is issued shall be a separate offense.

19.07 UNLAWFUL PERMIT ISSUANCE

A building permit shall not be issued to a person who has an outstanding expired building permit and the building is incomplete or is indebted to the City in reference to building code violations.

19.08 SWIMMING POOL, SPA AND HOT TUB REQUIREMENTS

A. **Definitions:** The following definitions shall be applicable to this Section 19.08:

ASTM ES 13-89: Emergency standard performance specifications for safety covers and labeling requirements for all covers for swimming pools, spas and hot tubs.

Barrier: A fence, wall, building wall or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.

Fence: A structure, including gates, constructed of wood, metal or masonry, that is used as a boundary, or means of protection, confinement or privacy.

Hot tub: See definition for spa.

In-ground pool: See definition for swimming pool.

Neighboring residence: A one- or two-family dwelling, or a single family townhouse not more than three stories in height, situated on improved property within 500 feet of a residential swimming pool.

Residential: That which is situated on the premises of a detached single or two-family dwelling or a one-family townhouse, not more than three stories in height.

Spa - portable, nonportable, hot tub: A non-permanent structure intended for recreational bathing, in which all controls, water heating and water circulating equipment are an integral part of the product.

Swimming pool: Any manmade structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, aboveground and on-ground swimming pools, hot tubs and spas.

Swimming pool - indoor: A swimming pool which is totally contained within a structure and surrounded on all four sides by walls of said structure.

Swimming pool - outdoor: Any swimming pool which is not an indoor pool.

B. Outdoor Swimming Pool Requirements: An outdoor swimming pool, including an in-ground, aboveground or on-ground pool, hot tub or spa shall be provided with a barrier which shall comply with the following:

1. **Barrier:** The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be four inches measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an aboveground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be four inches.
2. **Barrier Openings:** Openings in the barrier shall not allow passage of a 4-inch diameter sphere.
3. **Solid Barriers:** Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
4. Where the barrier is composed of horizontal and vertical members of 45 inches or more, spacing between vertical members shall not exceed four inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1¾ inches in width.
5. **Maximum mesh size for chain link fences** shall be a 1¼ inch square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to no more than 1¾ inches.

6. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall be no more than 1¾ inches.
7. Access gates shall comply with the requirements of this Section 19.08-B and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outwards away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches from the bottom of the gate:
 - a. The release mechanism shall be located on the pool side of the gate at least three inches below the top of the gate; and
 - b. The gate and barrier shall have no opening greater than one-half inch within 18 inches of the release mechanism.
8. **Aboveground Pool Structure Used as Barrier:** Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then:
 - a. The ladder or steps shall be capable of being secured, locked or removed to prevent access, or
 - b. The ladder or steps shall be surrounded by a barrier which meets the requirements of Sections 19.08-B-1 through 9. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch diameter sphere.
 - c. Where a barrier is located on the upper rim of a pool, the height of the barrier shall be measured 48 inches from the outside perimeter of the pool.

C. **Barrier Locations:** Where a barrier is located on the upper rim of the pool, the height of the barrier shall be measured 48 inches from the outside perimeter of the pool.

D. **Exemptions:** A spa with a solid lockable safety cover which complies with ASTM ES 13-89 shall be exempt from the provisions of this Section 19.08. Swimming pools with safety covers shall not be exempt.

E. **Building Permit:** A building permit shall be required for swimming pools as defined in Section 19.08-A. Accompanying the building permit application shall be a plot plan showing the location of any structures and proposed location of the pool on the lot. (Ord. 2006-132, §1)

F. **Location:** Swimming pools shall only be allowed in the rear yard and all setback requirements of the Harvard Zoning Ordinance must be met. (Ord. 2006-132, §1)

G. **Septic Field:** In-ground pools shall not be permitted on property that is serviced by a septic field. (Ord. 2006-132, §1)

19.09 CERTIFICATE OF OCCUPANCY

A. A certificate of occupancy shall not be issued without compliance with the provisions of this Chapter.

B. The Building and Zoning Commissioner shall file an unexecuted certificate of occupancy with the Supervisor of Assessments of McHenry County.

C. Upon filing of the unexecuted certificate of occupancy with the Supervisor of Assessments, the Supervisor of Assessments shall present the owner with a receipt therefor showing the filing date of the unexecuted certificate of occupancy and that the property is subject to an increase in assessment from the date of issuance of an executed certificate of occupancy on a proportionate basis for the year in which the improvement was completed.

D. The owner of the property shall file the receipt from the Supervisor of Assessments with the Building and Zoning Commissioner and the Building and Zoning Commissioner shall issue a certificate of occupancy to the owner in accordance with Ordinances of the City.

E. Immediately upon the issuance of a certificate of occupancy, the Building and Zoning Commissioner shall file a certified copy of said certificate of occupancy with the McHenry County Supervisor of Assessments.

F. In the event a Certificate of Occupancy is issued prior to the completion of all requirements (i.e. grading, seeding, driveway, etc.) all requirements shall be completed within six months.

19.10 RESIDENTIAL OCCUPANCY

A. Definitions: Terms used in this Section shall be defined as follows:

Dormitory: A space in a building where group sleeping accommodations are provided in one room, or in a series of closely associated rooms, for persons not members of the same family group. (Ord. 2000-137, §1, 2000)

Dwelling: A building or portion thereof designed or used exclusively for residential occupancy but not including overnight or transient accommodations in hotels, motels and conditional uses. As to those buildings, or portions thereof, used exclusively for a form of residential occupancy for which a conditional use permit is required, the City Council shall determine the appropriate occupancy restrictions and the general occupancy restrictions that may

be mandated from time to time by ordinance, will not necessarily be applicable.

Dwelling Unit: One or more rooms that are located in a dwelling, and that are arranged, designed or used as living quarters for one family only, and containing complete kitchen and toilet facilities, permanently installed; or

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. (Ord. 2000-137,§1,2000)

Habitable Room or Habitable Space: A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closets, compartments, laundries, furnace rooms, pantries, kitchenettes and utility rooms of less than 50 square feet of floor space, foyers or communicating corridors, stairways, closets, storage spaces and workshops, hobby and recreation areas. (Ord. 2000-137,§1,2000)

Kitchen: Any room used for the storage of foods, preparation of foods and containing the following equipment: sink and/or other device for dishwashing, stove or other device for cooking, refrigerator or other device for cool storage of food, cabinets and/or shelves for storage of equipment and utensils and counter or table for food preparation.

Occupant: Any individual, over one year of age, living, sleeping, cooking or eating in or having possession of a dwelling unit, or a rooming unit, except that in dwelling units a guest shall not be considered an occupant; or

Any person living or sleeping in a building; or having possession of a space within a building.

Operator: Any person who has charge, care, control and management of the building, or part thereof, in which dwelling or rooming units are let; or

Any person who has charge, care of control of a structure or premises which is let or offered for occupancy.

One-Family Dwelling: A building containing one dwelling unit with not more than five lodgers or boarders. (Ord. 2000-137,§1,2000)

Owner: Any person who alone or jointly or severally with others, shall have legal title to any premises, dwelling or dwelling unit, with or without accompanying actual possession thereof, or who shall have charge, care or control of any premises, dwelling or dwelling unit, as owner, or agent of owner, or an executor, administrator or trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Ordinance, and of the rules and regulations of this Ordinance, and of the rules and regulations adopted pursuant thereto, to the same extent as if he were the owner, or

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 City has holding title to the property; or otherwise having control of the property, including guardian of the state 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.

Rooming Unit: Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes. (Ord. 2000-137,§1,2000)

Two-Family Dwelling: A building containing two dwelling units with not more than five lodgers or boarders per family. (Ord. 2000-137,§1)

B. Purpose: This section is adopted for the following purposes:

1. To promote and protect the public health, safety, morals, comfort and general welfare.
2. To establish conditions regarding the occupancy of, and living conditions in property used for residential purposes so as to correct adverse conditions, and achieve and maintain certain minimal standards of residential environmental quality.

C. Maximum Density, Minimum Space, Use and Location Requirements:

1. Maximum Occupancy. The maximum occupancy for any dwelling unit shall not exceed two times the number of bedrooms plus one additional person. For example, the maximum occupancy in a three bedroom house shall be seven people. (Ord. 2000-137,§2)
2. Basements. No space located more than four feet below grade shall be used as habitable space of a dwelling, except that a basement recreation or family room, where a separate living room is provided elsewhere in the dwelling unit, may have a floor level more than four feet below finished grade level. (Ord. 2000-137,§2)
3. Access to Habitable Space. In each dwelling or dwelling unit there shall be access from each kitchen. Access to every habitable space in a dwelling or dwelling unit shall be provided without having to pass through another bedroom or kitchen. Access to every habitable space in a dwelling or dwelling unit shall be provided without having to pass through a bedroom or bathroom. In each dwelling unit, one bedroom and, when more than one bedroom is provided, at least two bedrooms shall have access to a bathroom without passing through another habitable space. (Ord. 2000-137,§2)
4. Closet Space. Each dwelling unit shall have at least four square feet of closet space at least six feet in height for the personal effects of each permissible occupant. If such closet space is lacking, in whole or in part,

an amount of space equal in square footage for the deficiency shall be subtracted from the area of habitable space used in determining occupancy. (Ord. 2000-137,§2)

5. Lighting.

- a. Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable space shall be 8 percent of the floor area of such room, except in kitchens where artificial light is provided in accordance with the provisions of the building code. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet 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. (Ord. 2000-137,§2)
- a. Every common hall and stairway, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb or equivalent for each 200 square feet of floor area, provided that the spacing between lights shall not be greater than 30 feet. Every exterior stairway shall be illuminated with a minimum of 1 footcandle at floors, landings and treads. (Ord. 2000-137,§2)
- c. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures. (Ord. 2000-137,§2)

6. Ventilation.

- a. Every habitable space shall have at least one openable window to the outside. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area. (Ord. 2000-137,§2)
- b. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces except that a window shall not be required in spaces equipped with a mechanical ventilation system that complies with the following: (Ord. 2000-137,§2)
 1. Air exhausted by a mechanical ventilation system from a bathroom within a dwelling unit shall be exhausted to the

exterior and shall not be recirculated to any space, including the space from which such air is withdrawn. (Ord. 2000-137,§2)

2. Air exhausted by a mechanical ventilation system from all other bathrooms or toilet rooms shall be exhausted to the exterior without recirculation to any space, or not more than 85 percent of the exhaust air shall be recirculated where the system is provided with effective absorption and filtering equipment.(Ord. 2000-137,§2)
 - c. Unless approved through the certificate of occupancy, or, in writing by the Code official, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.(Ord. 2000-137,§2)
 - d. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space. (Ord. 2000-137,§2)
 - e. Clothes dryer venting systems shall be independent of all other systems and shall be vented in accordance with the manufacturer's instructions. (Ord. 2000-137,§2)
7. The provisions of this Section 19.09-C shall not be construed to prevent the occupancy of any dwelling unit by a child born subsequent to the initial occupancy of the unit by its family. (Ord. 2000-137,§2)

D. Persons Liable: Persons responsible for complying with the terms of this Ordinance include:

1. Occupants of dwellings, whether they be owners, tenants or otherwise in possession of the dwelling; and
2. Landlords and owners not in possession, or operators of the dwelling, as well as their agents.

E. Penalties: Any owner, occupant, operator or agent of a dwelling or dwelling unit who violates the provisions of this Section 19.10 shall be subject to a fine not less than \$500 nor more than \$1,000.00 for each offense. A separate offense shall be deemed committed on each day during or on which such violation occurs or continues. The same penalty shall exist for violation of any conditions created by a conditional use permit, issued pursuant to Title 17 of the Harvard Municipal Code. (Ord. 2008-123,§7)

19.11 (SECTION RESERVED)

19.12 REFUSE BIN ENCLOSURES (Amended Ord. 97-152)

A. All new construction on any vacant property zoned R-3 single family residence district, business, business park or manufacturing shall include the construction of at least one refuse bin enclosure. Application for a building permit shall be made to the City pursuant to this Chapter 19.

B. Any refuse bin enclosure constructed pursuant to this Section 19.11 shall be constructed as follows:

1. Using the same construction materials as the building.
2. Provide an access gate(s), which shall be latchable, of sufficient width to accommodate refuse trucks.
3. Provide a means for locking gates in the open position. Gates shall be of sufficient height to screen all refuse bins and installed high enough (three inches minimum and six inches maximum) to prevent freezing during winter months. A chain attached to the gate with a snap fastener and hoop on the side of the enclosure shall be provided for keeping doors in an open position while the enclosure is serviced.
4. Enclosures shall be at least three feet longer than the refuse container(s) housed within the enclosure.
5. Refuse trucks must be able to back into enclosures that house stationary containers. Rafters on the top of the enclosure are prohibited
6. Location of the enclosure shall permit a refuse truck to back into the enclosure. The grade of the enclosure shall be the same as the driveway access to the enclosure.
7. The enclosures shall have a second, pedestrian access gate.
8. Restaurant enclosures shall be of sufficient size to accommodate grease containers.

C. In the event application is made for a building permit for an addition to an existing building, or reconstruction, on property zoned R-3 single family residence district, business, business park or manufacturing, the property owner shall be required to construct a refuse bin enclosure. Construction shall be pursuant to Section 19.11-B herein.

19.13 INSPECTION OF DWELLINGS (Amended Ord. 2002-115)

A. City Council Findings:

1. The City Council hereby finds it is necessary to promote the public health, safety and general welfare of residents of the City by securing adequate lighting, heating, ventilation, ingress and egress, and preventing or correcting unhygienic, unsanitary or unsafe conditions posed by buildings which are in a substandard condition or state of disrepair, as manifested by violations of the City Building Code, or other regulations applicable to the condition and use of residential property.
2. The City Council finds that the above-described danger to public health, safety and general welfare of residents of the City is particularly acute with respect to multi-family dwellings, buildings with a dense concentration of dwelling units or rooming units and buildings which by their age, use or manner of construction are prone to experience damage and deterioration.
3. The City Council finds that it is necessary to establish and implement a systematic program of inspection of residential property to identify and correct those properties in a such a substandard condition or state of disrepair and to prevent poor building conditions from developing in the future.

B. Definitions: For purposes of this Section 19.13, except as otherwise specified, the terms used shall be defined as provided in Section 19.10, Residential Occupancy, of this Code.

C. Applicability: This Section 19.13 shall apply to:

1. Every multi-family dwelling, as defined in the Harvard Zoning Code, constructed at least 30 years prior to the effective date of this ordinance (March 15, 2002).
2. Every dwelling in those geographic areas of the City which, by the age, construction or use of the buildings contained therein, are determined by the City Council to pose a threat to the public health, safety and general welfare of residents of the City.

D. Inspection for Violations: Every building, or portion of a building, along with all accessory structures located upon the same lot or a contiguous lot, which is subject to this Section 19.13, shall be subject to regular and systematic inspections for compliance herewith. Inspections of such buildings shall consist of both exterior and interior inspections. Exterior inspections shall include the exterior of the building and any accessory structures for violation of any applicable provision of this Code. Interior inspections, however, shall be limited to detect ordinance violations which pose a threat to public health, safety and general welfare of the

residents of the City. Items subject to interior inspection shall include, but not be limited, to the following:

1. Smoke detectors, whether battery powered or hard wired, and any other fire detection or fire safety system, fixture or device.
2. Chimneys, or other exhaust or ventilation systems.
3. Railings, balusters and steps.
4. Water heaters, including related valves, gauges, exhaust or ventilation systems, and location.
5. Furnaces and other heating systems, including their location.
6. Supplied facilities (gas, sewer and water), including inspection of all pipes, lines or conduits which carry supplied services within the building.
7. Electrical, including inspection of all wiring, fuse boxes, circuit breakers, outlets or other electrical systems within the building.
8. Kitchen, including inspection of appliances.
9. Bathroom(s), including inspection of the toilet or lavatory and bathtub and/or shower.
10. Habitable rooms, including inspection of outlets, light fixtures and the use of extension cords and space heaters.
11. Exits or other modes of ingress and egress from the building.
12. Occupancy, including inspection to ensure compliance with the residential occupancy provisions of the Harvard Building Code (Chapter 19).
13. Any other violation of this Code related to the health, safety and general welfare of the residents of the City.

E. Frequency of Inspections:

1. All buildings, or portions of buildings, subject to this Section 19.13 shall be inspected at least once every five years. In cases where the building or portion of the building subject to inspection is occupied by the owner, written notice of the date of inspection shall be given to the owner/occupant at least 15 days prior to the date of inspection. All notices sent pursuant to this Section 19.13 shall be by certified mail. In cases where the owner and occupant of a building are not the same individual, written notice of the date of inspection shall be given to both the owner and the building occupant at least 15 days prior to the date of inspection.

Said notice shall be on a form prescribed by the City Building Department and shall advise the owner and/or occupant of the date and time of the inspection, his/her right to refuse the inspection and the City's right to seek issuance of an Administrative Search Warrant in the event of any refusal. No inspection of a building shall occur without the consent of the occupant unless an Administrative Search Warrant is obtained. In those cases where the owner and occupant are not identical, an owner's denial of access shall not preclude a tenant from granting access.

2. It shall be the responsibility of the owner, owner's agent or occupant to be present at the building on the date and time of inspection indicated on the written notice to provide access for the inspection. Owners or occupants wishing to deny access to their property and wishing to have the City obtain an Administrative Search Warrant may notify the City in writing of such denial on the form provided. Any failure by the owner or occupant to respond to the City's request for consent shall be deemed a denial of consent.
3. Nothing in this Section 19.13 shall preclude the inspection of any building subject to this Section 19.13 more frequently than set forth hereinabove, provided however, that any inspection more frequent than set forth hereinabove shall be based upon a citizen complaint, or other evidence indicating it is more probable than not that an ordinance violation exists.

F. Warrant Procedure:

1. Where the owner and/or occupant has refused to give consent to an inspection of the building, the Building and Zoning Commissioner, or his designated agent, may apply to the Circuit Court of McHenry County for an Administrative Search Warrant.
2. The Circuit Court of McHenry County may consider any of the following factors along with such other matters as it deems relevant in its decision as to whether a warrant shall be issued:
 - (a) Eyewitness accounts of violation(s).
 - (b) Citizen complaints.
 - (c) Tenant complaints.
 - (d) Plain view violation(s).
 - (e) Violation(s) apparent from City records.
 - (f) Property deterioration.
 - (g) Age of the property.
 - (h) Nature of alleged violation(s).
 - (i) Similar properties in area.
 - (j) Documented violation(s) of similar properties in the area.
 - (k) Passage of time since last inspection.
 - (l) Previous violation(s) on the property.

(m) The use for which the building was constructed.

3. Cause for issuance of an Administrative Search Warrant shall be deemed to exist in light of reasonable legislature and administrative standards which show that there is reason to believe that a condition of nonconformity exists with respect to a particular property in violation of a City ordinance.

G. Inspection Procedure:

1. If, upon completion of an inspection, the premises are found to be in compliance with all applicable provisions of this Code or other applicable laws, and all taxes and fees have been paid to the City, the City shall issue a Certificate of Inspection for the building.
2. If, upon completion of an inspection, a building is found to have one or more violations of this Code, or any other violation of applicable law, the City shall provide written notice of such violations to the owner and/or occupant. The City shall set a reinspection date 30 days from the date of the notice of violation. A reinspection shall be performed to determine if all violations have been corrected. If such violation(s) have not been corrected within that period, the City may take any action necessary to enforce compliance with applicable City codes, ordinances or other applicable law. During the period between the initial inspection and reinspection of the premises, the owner may continue to rent, and the occupant may continue to occupy, such premises unless the City determines that the violations are so serious as to threaten the health or safety of the occupants.
3. If such health or safety threatening violations exist, the Building and Zoning Commissioner shall immediately issue a citation for such violation. If such violation is not corrected within five days from the issuance of the citation, the City may commence prosecution of the citation in the Circuit Court of McHenry County.
4. Nothing in this Section 19.13 shall preclude City officials from taking emergency action to abate a nuisance, or any other emergency action to protect the public health, safety and general welfare of residents of the City.

H. Other Actions: Nothing in this Section 19.13 shall prevent the City from taking action under any applicable City code or ordinance for any violation thereof, or limit the right or authority of the City to seek injunctive relief or other appropriate legal remedy for any violation of such code or ordinance.

I. Severability: If any provision of this Section 19.13 shall be held invalid, its invalidity shall not affect any other provision of this Section 19.13 that can be given effect

without the invalid provision, and for this purpose, the phrases, sentences, paragraphs and sections of this Section 19.13 are hereby declared to be severable.

19.14 ADDITIONAL REQUIREMENTS

A. Minimum Square Footage: The minimum square footage and/or floor area for the principal building or dwelling unit, as the case may be, shall be as follows: (Ord. 2006-145, §1; Ord. 2001-140,§1; Ord. 98-129,§2)

1. R1-A Single Family Residence District: 1,300 square feet.
2. R-1B Single Family Residence District: 1,300 square feet.
3. R-1 Single Family Residence District: 1,600 square feet.
4. R-2 Single Family Residence District: 1,200 square foot for a single family unit and 1,700 square feet for a duplex with not less than 850 square feet per unit.
5. R-3 Single Family Residence District: 1,000 square feet for a single family dwelling and 1,700 square feet for a duplex with not less than 850 square feet per unit.
6. R-3 Residential Zoning District: For each dwelling, apartment, as defined in the Harvard Zoning Ordinance, a minimum of 500 square feet per dwelling unit.
7. R-T Townhouse Residence District: 850 square feet per dwelling unit.

B. Commercial Key Box. Except for the construction of single-family dwellings and two-family/duplex dwellings, all new construction shall include an emergency access high security commercial key box. The location and type of the high security commercial key box shall be approved by the Harvard Fire Protection District. (Ord. 2001-140,§1)

C. Garages: When a building permit is issued for an attached single family, detached single family and two family dwelling units in the R-1-A, R-1B, R-1, R-2, R-3 and R-T zoning districts, it shall also include, at a minimum, a two-car garage. For any multiple family dwelling unit where there are three or more dwelling units, and in any R-55 zoning district, at least one indoor parking space shall be provided for each dwelling unit. (Ord. 2006-145, §1)

19.15 DRIVEWAYS and PRIVATE PARKING LOTS (Ord. 2003-110,§9,2003)

A. Permit Required: No person, firm or corporation shall construct a driveway or parking lot without first obtaining a building permit from the City.

B. Driveways and Parking Area Requirements: All driveways and parking areas shall

be hard surfaced and: (Ord. 97-111,§1, 1997; Ord. 96-156,§1)

1. Be graded to provide drainage or surface runoff water to an adequate outlet in compliance with the City's stormwater drainage regulations. Drainage of surface runoff water onto adjacent property is prohibited.
2. On corner lots, driveways shall be no closer than 25 feet from the intersection.
3. Driveways and parking areas shall be aligned with the garage doors. In the event there is no garage, the driveway or parking area shall be parallel to the principal building and side yard lot line and perpendicular to the roadway. (Ord. 2007-121,§3)

C. Grade, Surface Finish: No driveway shall be constructed or graded to leave a step, sharp depression or other obstruction in the sidewalk. The grade shall be as near the sidewalk grade as possible. It is unlawful to have the surface finish of any driveway where the same crosses the sidewalk be constructed of such materials as to render it slippery and hazardous to pedestrians, or to have the grade of such portion vary from the grade of the sidewalk or be other than level. (Ord. 97-111, §1; Ord. 96-156, §1)

D. Hard Surfacing of Gravel Driveways: Any lot with the principal use of residential in the City having a gravel driveway shall be hard-surfaced pursuant to the City Engineering Standards within one year after the sale of the lot, whether by deed, articles of agreement for deed, installment contract or any other manner, and regardless of whether legal title transfers upon the day of the sale.(Ord. 2004-149; Ord. 2002-120)

E. Time Limit for Completion of Work. The construction of any driveway or parking area for new construction, including the surface course, shall be completed prior to the issuance of an occupancy permit and within one year from issuance of the building permit for construction of additional facilities where the premises have been previously occupied. The Mayor and City Administrator shall have the discretionary authority to extend the timeframes referred to herein by a maximum of eight consecutive months.(Ord. 2002-120,§1;Ord. 97-111,§1; Ord. 96-156,§1; Ord. 94-102, §2)

F. Penalty: Any person, firm or corporation violating any provision of this Section 19.15 shall be fined not more than \$500.00 for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 2002-120,§1; Ord. 97-111,§1; Ord. 96-156,§1)

19.16 VIOLATION/PENALTY

Except as more specifically provided for in Sections 19.02, 19.03-F, 19.05, 19.09-E and 19.10, any person, firm, partnership or corporation who violates a provision of this Chapter 19 or fails to comply with any of the requirements thereof, or who erects, constructs, alters or repairs a building or structure in violation of an approved plan or directive of the Building and Zoning Commissioner, or of a permit of certificate issued under the provisions of this Chapter 19, shall

be fined not less than \$50.00 or more than \$500.00 A separate offense shall be deemed committed on each day during or on which such violation occurs or continues.(Ord. 2008-123, §8; Ord. 2003-110, §9; Ord. 2002-133,§2;Ord. 98-130,§1; Ord. 98-129,§1; Ord. 97-152,§1; Ord. 94-136)