

**CITY OF URBANA
PROPERTY MAINTENANCE CODE BOARD OF APPEALS
MINUTES - TUESDAY, DECEMBER 12, 2006**

MEMBERS PRESENT:

Don Keeler, Tom Welch, Dick Halberstadt and Gary Stebbins

MEMBERS ABSENT:

Bill Rose

STAFF PRESENT:

Gordon Skinner, Clay Baier, Libby Tyler and Vivian Petrotte

OTHERS PRESENT:

Janie Logsdon (public)

CALL TO ORDER:

The meeting was called to order by Gary Stebbins at 4:03 p.m.

APPROVAL OF MINUTES:

Gary Stebbins asked for a motion to approve the minutes of the meeting held Wednesday, March 3, 2004. Don Keeler made the motion to approve the minutes and Dick Halberstadt seconded the motion. All agreed and the minutes were approved as read.

OLD BUSINESS:

There was no old business to discuss.

NEW BUSINESS:

Proposed adoption of the 2003 Property Maintenance Code. Gary Stebbins asked if there was any public comment at this time. There was none. He then asked if there was any comment from the board members. Mr. Halberstadt said that he didn't see anything that should be objectionable to anyone and that it would bring our codes current and help the board in some of the cases that were brought to them.

Janie Logsdon of Green Street Realty asked what the time frame would be to allow property managers to update their properties to code and would there be follow up inspections once this is put into place.

Clay Baier stated that currently we are just updating from the 1990 BOCA to the 2003 International Code. Any inspections that we are doing are inspections that we have always done. With the new code, there are some changes.

Ms. Logsdon asked if copies of these new codes would be sent to property managers and homeowners. Mr. Baier replied that the International Code would be available for

purchase. It may become online, which is still under discussion. Mr. Skinner remarked that there would be copies at the Urbana Library after it was adopted. He stated that there were not a lot of changes that would affect property managers if they were already following the current property maintenance code. Ms. Tyler asked if Ms. Logsdon had a copy of the draft of the adopting ordinance and then gave her one.

Mr. Skinner discussed the memorandum that was sent out with the major changes. One of the major changes was that the code official was given the right to condemn a property if it becomes over occupied. It was in the Zoning Ordinance before, but it is now in the Property Maintenance Code.

Owners may be required to clean up graffiti. It was never really spelled out in the existing code. We do have a couple situations where graffiti is a problem and this will leave it to the owner to take care of it.

Gary Stebbins asked that if there was a four bedroom house and five people were living there and it's inspected and you find that there are five living there, does that mean that the inspector condemns the property. How does it work? Because those people have a lease, and one of the easiest ways to break a lease would be to say to someone "they're going to inspect the property and we want to get out of the lease in May, let's get another person in here and we'll get the place condemned and that will take care of the lease".

Ms. Tyler said that if we had an over occupancy issue like that, we would meet with the legal department and seek to abate the over occupancy as the first thing. Mr. Baier would need to verify it by checking leases, family relationships, mailboxes, etc. and then abate the occupancy. If the City was unable to do that, then the condemnation would be the ultimate result. The condemnation would only be in severe cases.

Mr. Skinner then continued that there were some new sections dealing with compliance, which were spelled out. Also, screens would be required year round. Parking lighting would have to be maintained. Carbon monoxide detectors have been added to the code.

Mr. Halberstadt asked if it was one per unit for carbon monoxide detectors. Mr. Baier replied that the detectors needed to be installed within fifteen feet of the sleeping areas. But that smoke detectors would need to be installed in every sleeping room.

Ms. Tyler said that there is one addition to the code that is not in the code yet but that the city attorney has been asked to work on. The fine for offenses is now set at a minimum of \$1.00 and the City would like to change this to a minimum of \$135.00, which is the average minimum in the City. What the city attorney will be adding, at the request of the Mayor and council members, are administrative fines. This will be cases where it may not be in court but they've had their 30 days, they've had their extension, and you haven't completed the corrections and it would be assessed administratively in certain circumstances. It isn't

something that we anticipate happening very often but there are cases where it would be beneficial in achieving compliance.

This has not been written yet but she just wanted to let the Board know that it had been requested and when this goes forward to the City Council, there will be some additional modifications to the fine section.

Mr. Skinner then asked if there were any questions.

Mr. Stebbins said that the over occupancy and the condemnation had him worried. That what happens if the over occupancy is caused by the tenants through no fault of the owner. Mr. Stebbins, Ms. Tyler and Mr. Skinner then discussed what the over occupancy issue was. Ms. Tyler said that this would be discovered through the housing inspector's investigation and that it is also the tenant's responsibility.

Mr. Stebbins then asked what the next step would be. Ms. Tyler stated that if the Board had reviewed the code and was satisfied, a motion could be made to send it to council, or if there were additional questions, another meeting could be set up.

Mr. Halberstadt looked up the relevant section of the code dealing with occupancy in the Property Maintenance code and stated that the particular section that was being discussed had more to do with occupancy in bars, businesses, etc. than who was listed on a lease.

Mr. Stebbins wanted to know who was responsible for getting the fifth person out if a tenant, without the owner's permission, had moved a fifth person into a house.

Mr. Baier stated that the way it would work is that the City would write a violation and request that the owner reduce the occupancy to no more than four at that time. The City would work with the owner and a time frame that best suits the tenant but if they refuse to do anything about this occupancy, what this code allows us to do is cite this property as an unlawful structure because it is over occupied and as an unlawful structure it does give us the right to condemn this building.

Mr. Stebbins asked if another meeting could be set up so he could research the occupancy issue. Mr. Skinner replied that Mr. Stebbins issue probably did not have a lot to do with this code. Mr. Halberstadt said that particular section of the code was not intended for a house, it just applies to all structures. Ms. Tyler stated that the Zoning Ordinance is really what deals with the over occupancy issue and that the Building Code actually deals with over crowding and what Clay Baier and the City Attorney suggested is that if it came to it, we could have a violation of both the Property Maintenance Code and the Zoning Ordinance, but the primary purpose of this ordinance is the fire code. Mr. Skinner stated that we have had a situation where there were several people living in a garage without heat and that this would have been a very helpful tool.

Mr. Halberstadt made a motion to pass the code to council and Mr. Stebbins seconded the motion.

It passed by unanimous vote.

Mr. Skinner thanked the board for taking the time to look over the code. Mr. Stebbins asked if Champaign already had this code. Mr. Skinner replied that was correct.

ADJOURNMENT:

Mr. Stebbins moved to adjourn the meeting at 4:33 p.m. Mr. Halberstadt seconded.

Respectfully submitted,

Approved:

Vivian Petrotte

Don Keeler, Secretary

PMCBA:vp