

PROPOSED ORDINANCE AMENDMENT

Sponsored by TONI PRECKWINKLE, President, and PETER N. SILVESTRI, County Commissioner.

AMENDMENT TO THE BUILDINGS AND BUILDING REGULATIONS ORDINANCE

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 102, Section 102-120 and Section 102-151 is hereby amended to read as follows:

Sec. 102-120. - Regulation of residential buildings and structures.

The County adopts the following provisions of the 2009 International Residential Code ~~are hereby adopted~~ by reference to provide the regulations of residential buildings and structures in ~~unincorporated Cook County, Illinois:~~

Chapter 1, Part 1; Chapter 2; Chapter 3, Sections R301 through R303.7.1, R304 through R312 and Sections R314 through R323; Chapters 4 through 18; Chapter 21; Chapter 23; Chapter 44; Appendices B through F; Appendix H; Appendices J through M; and Appendix Q. The above provisions are applicable in full force and effect as if set out at length in this Code. Any provision of the 2009 International Residential Code not specifically listed above, is specifically excluded and is not adopted.

Sec 102-151. – Heating Requirements.

- (a) **Heating Requirements for Residential Rental Units:** From September 15th of each year until June 1st of the following calendar year, every Rental Unit according to the definition provided in Section 102-183 of this Code of Ordinances, shall safely and adequately heat all Habitable Rooms and bathrooms within its walls to a temperature of at least 68 degrees Fahrenheit from 8:30 a.m. to 10:30 p.m. and 66 degrees Fahrenheit from 10:30 p.m. to 8:30 a.m. the following morning.
- (b) **Heating Requirements for Commercial or Industrial Uses:** From September 15th of each year until June 1st of the following calendar year, every structure containing an occupied commercial or industrial use according to the definitions of the Cook County Zoning Ordinance of 2001 shall safely and adequately heat all occupied spaces in those structures to a temperature of at least 68 degrees Fahrenheit during all times that employees or members of the public are on premises.
- (c) **Persons Responsible for Providing Heat:** Any person who owns, maintains or controls any structure or use discussed in Subsections 102-151 (a) and (b) above may require that the occupant provide the necessary heat at the

occupant's expense, but such agreement or requirement does not relieve the owner from ensuring the required heating appliances or equipment.

- (d) **Prohibited Heating Methods:** Gas appliances designed primarily for cooking or water heating purposes or portable heating equipment that require gasoline, propane, butane or other such fuel are not safe or adequate means of heat within the meaning of this Section and are prohibited.
- (e) **Certain Exceptions for Commercial and Industrial Uses:** The heating requirements of Subsection 102-151 (c) may not apply when any structure or any portion of any structure containing a commercial or industrial use requires temperatures below the requirements of this Section 102-151, but the temperature provided still must reasonably protect the health, safety and welfare of occupants, employees and members of the public.
- (f) **Applicability:** The provisions of this Section shall apply to every existing building regardless of the age of the structure or the amount of time such use of the property in question has existed.

Defenses: Upon notice of violation or as part of any litigation or cause of action resulting from an alleged violation of this Section 102-151, an owner, manager, or person exercising control according to the terms of this Section may be found not liable of a violation if that person proves with clear and convincing evidence at hearing before a court or administrative law court that any of the following occurred:

1. The violation:
 - i. was remedied within seven (7) days from when the owner, manager or person exercising control knew or reasonably should have known of the violation, and
 - ii. the occupants affected by the violation were offered reasonable accommodations during the period of violation to ensure their safety, or offered a pro-rata discount of any rent, lease or other contractual arrangement to compensate for the period of the violation.
2. The violation has been caused by the current building occupant, and that in spite of reasonable attempts by the owner, manager, or person exercising control to maintain the building free of such violations, the current occupant caused the violations.
3. An occupant or resident of the building affirmatively refused entry to all or a part of the building for the purposes of correcting the violation.

Secs. 102-~~151~~ 152—102-159. - Reserved.