

ORDINANCE 2020-016

PASSED: MARCH 23, 2020

**AUTHORIZING COMPREHENSIVE AMENDMENTS TO CHAPTER 14
"ROOMING HOUSES" OF THE MUNICIPAL CODE OF THE CITY OF
DEKALB, ILLINOIS.**

WHEREAS, the City of DeKalb, DeKalb County, Illinois (the "City") is a home rule municipality with the power and authority conferred upon it by the Illinois Constitution; and

WHEREAS, the City currently maintains Chapter 14 of the Municipal Code, which relates to Rooming Houses within the city of DeKalb and wishes to make certain updates to said Chapter.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of DeKalb, DeKalb County, Illinois, as follows:

SECTION 1: The City's Corporate Authorities amends Chapter 14 of the City Code as set forth in Exhibit A, attached hereto and incorporated herein by reference.

SECTION 2: All ordinances or portions thereof in conflict with this ordinance are repealed.

SECTION 3: Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and effect as if the invalid provision had not been a part of this Ordinance.

SECTION 4: This Ordinance shall be in full force and effect after passage and publication pursuant to law. Publication date: March 24, 2020. Effective date: April 2, 2020.

SECTION 5: That the City Clerk and/or the Executive Assistant of the City of DeKalb, Illinois be authorized and directed to attest the Mayor's signature.

ADOPTED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting held on the 23rd day of March 2020 and approved by the Mayor on the same day. First Reading passed on March 9, 2020 by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None. Passed on Second Reading by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None.

ATTEST:



RUTH A. SCOTT, Executive Assistant



JERRY SMITH, Mayor



EXHIBIT A

CHAPTER 14
ROOMING HOUSES

DRAFT

Latest Revision: May 14, 2018 (Ordinance 2018-019) **2020-02-20 (pending)**

Sections:

- 14.1 DEFINITIONS.**
- 14.2 LICENSE.**
- 14.3 LICENSE APPLICATIONS.**
- 14.4 DURATION OF LICENSES AND LICENSE FEES.**
- 14.5 INSPECTION AND VERIFICATION OF APPLICATION.**
- 14.6 REQUIREMENTS AND RESTRICTIONS.**
- 14.7 ISSUANCE OF LICENSE.**
- 14.8 REVOCATION.**
- 14.9 APPEALS FROM DECISIONS OF THE CITY MANAGER.**
- 14.10 BATHROOM AND TOILET FACILITIES.**
- 14.11 AIR SPACE - LOFTS AND DECKS.**
- 14.12 FLOOR AREA.**
- 14.13 COOKING/STORAGE OF FOOD AND KEEPING OF CERTAIN APPLIANCES.**
- ~~**14.13-5 DORMITORIES; REFRIGERATOR MICROWAVE UNITS.**~~
- 14.14 POWER STRIP IN SLEEPING ROOM.**
- 14.15 WARRANTY.**
- 14.16 ACCESSORY BUILDING.**
- 14.17 INTERPRETATION.**
- 14.18 STANDARDS FOR ISSUANCE OF LICENSES.**
- 14.19 NUISANCES DECLARED.**
- ~~**14.20 FIRE SAFETY. PROHIBITED FIRE HAZARDS.**~~
- 14.21 PENALTIES.**
- 14.22 GREEK HOUSING FIRE SAFETY.**

14.1 DEFINITIONS.

a) Terms used in this Chapter 14 have the following meanings:

Apartment (Dwelling, Multiple-Family): One (1) building consisting of three (3) or more dwelling units, each of which is attached to at least one other dwelling unit, by a common wall extending floor to ceiling and from exterior wall to exterior wall, or by a horizontal structural floor assembly extending from exterior wall to exterior wall, except for a common stairwell exterior to the dwelling units. Each dwelling unit within a multi-family structure shall be self-contained including but not limited to private bath, cooking and sleeping facilities.

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Knox Box: a small, wall-mounted safe that holds building keys for fire departments, emergency medical services, and police to retrieve in emergency situations. A specific model number is required to be installed. Contact the DeKalb Fire Department for information.

~~**Consolidated Refrigerator-Microwave Device:** A device consisting of a refrigerator and attached microwave oven unit that has a switching control that turns off the refrigeration component whenever the microwave oven is in use. (2002-081)~~

~~**Dormitory:** A building where sleeping accommodations, dining facilities and common bathroom facilities are provided for more than twenty (20) unrelated individuals, exclusive of the resident family, who are students or members of a religious order, college, university, convent, monastery as listed following: (2002-081)~~

~~1. University Plaza, 900 Crane Drive (2002-081) —~~

~~**Halogen Lighting:** Any lighting unit, whether suspended, a fixture, a desk lamp, a table lamp or a free-standing floor lamp, utilizing a halogen bulb for illumination. (2007-007)~~

~~**Lodging House:** A dwelling unit in which sleeping accommodations and/or meals are provided for not more than twenty (20) persons seeking shelter on a temporary basis for an indefinite period and open to the public and transients. This definition includes only those uses operating under the authorization of a recognizable local, state or federal agency. (See Rooming House)~~

Private Club, Fraternity or Sorority: An organization of a group of individuals with a common purpose under a constitution, by-laws or other rules adopted by them, and chartered by the State of Illinois as a corporation or authorized by the State of Illinois to carry on the purpose for which they are organized and recognized by an accredited school. A fraternity or sorority may be affiliated with a nationally recognized organization having an identical or similar purpose. This definition does not include any organization formed by the owner of real estate for the purpose, among others, of operating a lodging or rooming house.

~~**Rooming House:** A building further described as a~~ **A building, including a** detached structure containing a single dwelling unit (not including an apartment) in which sleeping accommodations and/or meals are provided for compensation (pursuant to previous arrangements for definite periods and not open to the public or transients) **according to City of DeKalb Municipal Code Chapter 23 Section 3.**

~~1. More than three (3) persons not related by blood, marriage, adoption or other means of legal custody living together as a single housekeeping unit in a dwelling unit located east of Normal Road, north of Lucinda Avenue and east of the Kishwaukee River, south of Lucinda Avenue; or (2007-007)~~

~~2. More than four (4) persons not related by blood, marriage, adoption or other means of legal custody living together as a single housekeeping unit in a dwelling unit located west of Normal Road, north of Lucinda Avenue and west of the Kishwaukee River, south of Lucinda Avenue. (1985-048, 1994-123, 2007-007)~~

Torchiere Style Lamp: A torchiere style lamp shall be defined as a free-standing floor lamp with a shallow bowl-shaped light fixture mounted on top illuminated **STRICTLY BY A LED bulb, whether incandescent, fluorescent or halogen.** (2003-022, 2007-007)

14.2 LICENSE.

- a) It shall be unlawful for any person, firm or corporation to conduct, keep, manage, ~~transfer license ownership~~ or operate a rooming house ~~or dormitory~~ without a license ~~therefore~~, and no structure shall be constructed, erected, converted or altered to be used as a rooming house ~~or dormitory~~ unless the structure and every part thereof shall conform to the ~~City Code Ordinances of the City of DeKalb and in particular to this Chapter 14 and the City of DeKalb's Unified Development Ordinance (Chapter 23).~~ (2002-081)

14.3 LICENSE APPLICATIONS.

- a) Written application for any license under this Chapter 14 shall be made to the ~~Fire Chief through the City Clerk's Office.~~ **Chief Building Official (CBO) or designees.** Said application, all required attachments and application fee shall be submitted upon forms ~~prescribed by the CBO furnished by the City Clerk in accordance with this Chapter 14.~~ Renewal applications, all required attachments and the applicable renewal fee shall be submitted ~~to the City Manager's Office with the City Clerk by July 31~~ **May 1** of each year. In the event an application is denied, it shall be the responsibility of the ~~CBO and/or Fire Chief~~ or designee, to provide documentation to the applicant outlining the reason(s) for denial. (2000-066, 2007- 007)
- b) **All applications for a new or an initial rooming house license or a change of ownership of existing shall include the following information:**
1. A plot plan, scaled 1:20 and indicated as such on the plan, showing the lot or tract of land of which the structure is a part, all structures (including accessory structures) thereon, location of existing or proposed fire lanes, location of refuse facilities and screening and any existing, as well as proposed, off-street parking spaces; (2007-007)
 2. A floor plan scaled 1:20 and indicated as such on the plan, of every story within the building(s) showing thereon: (2007-007)
 - (a) All means of ingress and egress;
 - (b) Location and size of all windows;
 - (c) Location, size and use of all rooms, including identification of each individual sleeping room being so marked by a letter or number at least one (1) inch in length so as to be easily and distinctly read on the entry door to said rooms; (1995-028)
 - (d) Location of all existing or proposed carbon monoxide detectors and smoke detectors (hardwired); (2007-007)

- (e) Location of at least one (1) UL or other recognized testing agency approved, three (3) conductor, six (6) outlet heat protected power strip with 15-amp fuse or circuit breaker, in each sleeping room;
- (f) Location and number of required portable fire extinguishers;
- (g) Total occupant load; and
- (h) All other information required by the ~~CBO and/or Fire Chief~~, or designee, ~~pursuant to this Chapter 14.~~ (2000-066)

c) All applications for a rooming house license shall include the following:

1. Payment of a non-refundable license fee as prescribed in ~~Section 14.04~~ of this Chapter 14. (2000-066)
2. The property owner shall designate the person(s) responsible for all inspection-related correspondence, emergency contact, inspection coordination, scheduling and tenant notification of inspections. The name, address and phone number of the designated responsible person shall be provided as required on the application. The property owner shall notify the ~~CBO City Clerk~~ of any change of said responsible person occurring during the term of the license within fourteen (14) days of such change occurring; and (2000-066, 2007-007)
3. If the property is owned by a trust, the names, addresses and phone numbers of all beneficiaries shall be provided. (2000-066)
4. The applicant shall subscribe and swear to the truth of the information contained in the application and all accompanying documents.
5. Upon the sale, devise, assignment, transfer or other acquisition of the licensed property, the new owner(s) shall be required to submit to the ~~Fire Chief CBO or their respective designees~~ through the City's Finance Office an application as a new licensee in the form set forth in this Section and with payment of the requisite fees, as set forth in ~~Section 14.04~~ of this Chapter 14, within fourteen (14) days of such occurrence. All required inspections, as well as the correction of all violations noted in said inspections, shall be completed within three (3) months from the date of acquisition of the property. (2007-007)

14.4 DURATION OF LICENSES AND LICENSE FEES.

- a) Except as provided herein, every license granted under this Chapter 14 shall be issued for a period not to exceed one (1) year. ~~The term of the licenses will be August 15 through August 14 of the following year. The inspection period shall begin during each September, or earlier, on June 1 as determined by the City. All licenses shall expire on November 30 May 31 of the following year. (1991-081; 1994-123; 2007-007)~~
- b) Licenses shall not be assignable or transferable. ~~All licenses hereunder shall be granted after approval by the City Manager, or designee.~~

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- c) New or Initial License. The non-refundable license fee for a new or initial license issued under this Chapter 14, ~~except for renewal of a license~~, shall be Three Hundred Dollars (\$300.00). Said fee shall be paid to the City of DeKalb. (2005-068, 2007-007)
- d) License Renewal. The non-refundable license renewal fee for a rooming house ~~or dormitory~~ with twenty (20) residents or less shall be One Hundred Fifty Dollars (\$150.00). The non-refundable license renewal fee for a rooming house ~~or dormitory~~ with twenty-one (21) or more residents shall be Two Hundred Dollars (\$200.00). License Renewal fees shall be paid to the City of DeKalb by ~~July 3~~ ~~May 15~~ **May 1** of each year. (2000-066, 2001-074, 2002-081, 2005-068, 2007-007)
- e) The license fee(s) indicated above shall cover the cost, in addition to other items, of the initial rooming house ~~or dormitory~~ inspection and not more than one (1) follow-up inspection. Any **additional** inspection ~~in addition to those mentioned above~~, shall require the payment of an additional fee for each additional inspection when caused either by:
1. Failure of the licensee to appear at the time of a scheduled inspection and/or;
 2. Failure of the licensee to correct the violation(s) noted within the specified compliance period; (2007-007)
- Such reinspection fee shall be as follows: (2007-007)
- Third (3rd) Inspection: Two Hundred Dollars (\$200.00)
- Fourth (4th) Inspection: ~~Three~~ **Five** Hundred Dollars (~~\$300.00~~ **\$500.00**)
- Fifth (5th) or Subsequent Inspection: ~~Four Hundred One thousand~~ **Dollars (\$1,000.00)**
(2005-068, 2007-007)
- Payment of any and all reinspection fees shall be made within ten (10) business days of the date of invoice or statement for the same. In the event a reinspection fee is not paid within that time, it shall be double the amount invoiced or reflected on the statement, ~~-(2007-007)~~ **and no additional inspections will be scheduled until fees are paid in full.**
- Payment for any additional fee(s) shall be made to the City of DeKalb before a license shall be issued. (1991-081, 1994-123, 2000-066, 2005-068)
- f) In the event that a license fee has not been paid prior to a rooming house ~~or dormitory~~ beginning operation, or a renewal fee has not been paid in full prior to ~~July 31~~ ~~May 15~~ **May 1**, the license fees charged, and any follow up re-inspection fee(s), shall be double the amount listed above. (1985-009, 1994-123, 2000-066, 2002-081, 2005-068, 2007-007)
- g) All registration and license fees due under this Chapter 14 shall be paid to the City of DeKalb. (2000-066)
- h) Any licensee wishing to terminate the use of the licensed property as a rooming house

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may do so by submitting a Request for Termination of License to the ~~CBO City's Clerk~~ on a form provided for such purpose. Said Request for Termination constitutes consent for follow up inspection as set forth in this Chapter 14. The ~~CBO, Fire Chief,~~ or designee shall perform a follow up inspection within thirty (30) days of the date of such Request for Termination, or as otherwise determined, in order to verify the discontinuance of the use of the subject property as a rooming house. No licensee shall be entitled to a refund of any fee or portion thereof previously paid. (2007-007)

- i) Any person found to be operating a rooming house without ~~the City's issuance of a House license, subsequent to having submitted a Request for Termination of License,~~ shall be subject to a fine of not less than Five Hundred Dollars (\$500.00) and not more than One Thousand Dollars (\$1,000.00). Each day that said operation exists is a separate offense. ~~The operation of a rooming house without a license shall also constitute a nuisance subject to abatement.~~ (2007-007)

14.5 INSPECTION AND VERIFICATION OF APPLICATION.

- a) It shall be the duty of the ~~CBO Fire Chief,~~ or designee, to inspect the application ~~and the licensed premises, the proposed or existing rooming house or dormitory and every part thereof,~~ to determine the following: (2000-066, 2002-081)
1. The validity of the information provided by the applicant;
 2. The compliance of the proposed rooming house ~~or dormitory~~ with the ordinances of the City; (2002-081)
 3. Whether or not the building's management, owner, or occupants conduct, maintain or allow to exist conditions or violations of ~~the City Code. any/all locally adopted building codes, this Chapter 14 and the Unified Development Ordinance (Chapter 23) of the City; prohibits activities upon the proposed licensed premises, which are unlawful or constitute or may constitute a public nuisance, a breach of the peace or which are a menace to the health, safety or general welfare of the public;~~
 4. Whether or not the applicant, owner or licensee ~~owes a debt to is a defaulter of~~ the City; and
 5. Whether or not any lien of the City of DeKalb for garbage or rubbish removal or removal of weeds is existing on the property.
- b) ~~The inspection period shall begin on June 1. All initial license renewal inspections shall be completed by October 31 July 1. All matters, which are not in compliance, must be remedied by November 30 August 1.~~ Failure to remedy any or all violations observed as a result of inspection on or before ~~November 30 August 1 August 15~~ shall constitute justifiable cause ~~to deny a license application or renewal, or to enact license revocation proceedings as prescribed in Section 14.08 of this Chapter 14.~~ Furthermore, failure to remedy any or all outstanding violations shall be cause for reducing the occupant load of the structure to comply with the occupancy limitations in accordance with the definition of "Dwelling, Single-Family Detached" as prescribed in the Unified Development Ordinance (Chapter 23). (1987- 046, 1994-123)

- c) All applications for a new license under this Chapter 14, ~~except for renewal of license,~~ upon being processed by the ~~CBO, Fire Chief~~ or designee shall be processed for issuance or denial, with a determination by the ~~CBO or Fire Chief~~ as to whether or not all requirements of this Chapter 14 have been met, and if not, the ~~CBO/Fire Chief or designee~~ shall include in their determination those matters which are not in compliance. (1987-046, 1994-123, 2000-066, 2007-007)
- d) All applications for renewal of current licenses issued under this Chapter 14, after all fees have been received by the City of DeKalb and after all inspections have been made and after all matters are in compliance, shall be submitted to the City Manager, or designee, with a determination by the ~~CBO/Fire Chief or designees~~ as to whether or not all requirements of this Chapter 14 are met, and if not, the ~~CBO/Fire Chief or designees~~ shall include in the submission those matters which are not in compliance. (1985-003, 1987-046)
- e) Complaints from tenants, neighbors or others, and/or the presence of violations of the Municipal Code visible from the public right-of-way or in plain sight may render the area in question subject to immediate inspection by ~~the CBO Fire Chief, Community Development Director or their respective~~ designees. The refusal or failure of the licensee to permit such an inspection may subject the licensee to action for imposition of a fine, suspension or revocation of the rooming house license. (2007-007)

14.6 REQUIREMENTS AND RESTRICTIONS.

- a) No license shall be issued, and any license issued may be revoked, if any of the following has occurred or exists:
 - 1. Any material information furnished by the applicant has been falsely stated;
 - 2. The rooming house or dormitory does not comply with the provisions of this Chapter 14 and the Ordinances of the City; (2002-081)
 - 3. The management, owner(s), or occupants of a rooming house (based upon apparent culpability) conduct, maintain or allow to exist conditions or violations of locally-adopted building codes, including this Chapter 14 and the Unified Development Ordinance (Chapter 23) of the City; or where an inordinate history of public safety responses is documented, or have engaged in activities which are unlawful, or which constitute, or may constitute, a public nuisance, a breach of the peace or which are a menace to the health, general welfare or safety of the public. The definition of activities which are unlawful, or which constitute or may constitute a public nuisance or breach of the peace are those activities which are in violation of ~~the provisions as prescribed in Chapter 52 of~~ the City of DeKalb Municipal Code and/or State and Federal law. (1995-005, 2002-081)
 - 4. The applicant, licensee or owner of the property is a defaulter of the City. For purposes of this section, "defaulter" shall mean:

- (a) The applicant, licensee or owner of the property has an outstanding financial obligation to the City of DeKalb, including, but not limited to, past due water bills, past due special assessment payment, past due property tax payments, parking ticket violations, weed and nuisance abatement liens and/or fines, or any other past due loan payment owing to the City of DeKalb. (1989-027, 1994-123, 2007-007)

14.7 ISSUANCE OF LICENSE.

- a) After determination by the City Manager, or designee, that a license should be issued, the ~~City Manager's Office Clerk~~ shall ~~issue transmit~~ a rooming house ~~or dormitory~~ license. Said license shall be posted in a conspicuous place within the building, within fifteen (15) feet of the main entrance to the building. (1985-003, 2000-066, 2002-081, 2007-007)
- b) After determination that a license or renewal not be issued under this Chapter 14, the ~~CBO/Fire Chief or designees~~ shall notify the applicant of such a determination in writing setting forth specifically the grounds for the denial. (1985-003, 2000-066)
- c) Any person aggrieved by a decision regarding the denial of a license under this Chapter 14 shall have the right to request a hearing before the City Manager or designee. Said request for hearing shall be made by filing a written statement setting forth the grounds for the requested hearing and the aggrieved party's interest, if any. Said request for hearing shall be filed within five (5) days of the issuance of denial.
- d) The City Manager, or designee, shall then conduct a due process hearing within ~~thirty fourteen (14)~~ days of such request, ~~after giving necessary due process notification~~. The City Manager, or designee, shall either affirm or reverse the decision within five (5) days of the hearing, setting forth the reasons therefore in writing. (1994-123, 2000-066)

14.8 REVOCATION.

- a) The license issued under this Chapter 14 may be revoked by the City Manager, or designee, after due process notice and hearing, ~~including but not limited to the Administrative Hearing procedure set forth in Chapter 17 of the City of DeKalb Municipal Code, as provided for herein for cause as listed in Section 14.06~~. (2007-007)
- b) Upon determination by the City Manager, or designee, that there exists probable cause for the revocation of a license under this Chapter 14, the licensee and other interested parties shall be given written notice that a due process hearing shall be held to determine if there is cause ~~as listed in Section 14.06~~ for the revocation of the license. Such notice shall be issued at least five (5) days prior to such hearing and shall be mailed to the licensee's last known address, or delivered in person, and shall state the following:
 - 1. Specific grounds for revocation;
 - 2. Date, time and place of hearing;
 - 3. The right of the licensee to participate or be represented.

4. Possible penalties.
- c) Such hearing shall be public, and all interested persons shall be afforded an opportunity to be heard.
- d) If the City Manager, or designee, shall determine that any ~~violations of this Chapter of the provisions of 14.06~~ has occurred or exists, they may:
 1. Fine the licensee in an amount not to exceed \$1,000.00, per violation, **PER DAY**. (1995-005, 2007-007)
 2. Order that identified repairs be made within a specified time period. (1995-005)
 3. Fine the licensee an additional amount not to exceed \$250.00 per violation for non-compliance of any repair ordered by the City Manager, or designee, not completed within the time specified. (1995-005)
 4. Impose a probationary period upon the licensee not to exceed two (2) years. The City Manager, or designee, may impose certain conditions for the probationary period, which the licensee shall observe. Such conditions shall be consistent with the objectives of this Chapter 14 and the violations found to be committed by the licensee. Conditions may include, but are not limited to, restricting or prohibiting open parties on the licensed premises and restrictions and prohibitions on the issuance of a Class G liquor license for the licensed premises. (1995-005)
 5. Require the licensee to perform community service hours. (1995-005)
 6. Modify the licensee's occupant load for the licensed premises. (1995-005)
 7. Impose scheduled and/or unscheduled property maintenance inspections for the licensed premises to assure that the licensee is in compliance with locally-adopted property maintenance codes and may impose an additional fine not to exceed \$250.00 per violation for failure to remedy any violations cited during such inspections within five (5) business days of the violation, unless otherwise agreed to by the **Fire Chief CBO or their respective designees**. (1995-005, 2007-007)
 8. Revoke the license.
 9. Impose one or any combination of penalties as prescribed in this section. (1995-005)
- e) Failure to pay any fine ordered by the City Manager, or designee, shall be grounds for the revocation of the license under ~~14.06~~, 4a.
- f) The City Manager, or designee, may, at their discretion, continue the hearing from time to time.

- g) The City Manager, or designee, shall issue a written decision within five (5) days of the hearing. Should the City Manager, or designee, determine that cause exists for the revocation of the license, such license shall be revoked upon the issue of the written decision. (1989-027, 1994-123)

14.9 APPEALS FROM DECISIONS OF THE CITY MANAGER.

- a) Any person who was a party to the hearing and aggrieved by the decision of the City Manager, or designee, in regard to the issuance, denial or revocation of a license under this Chapter 14, shall have the right to appeal pursuant to the provisions of Chapter 17, "Administrative Hearing Procedures," Section 17.05 of the City of DeKalb Municipal Code. (1989-027, 1994-123, 2007-007)

14.10 BATHROOM AND TOILET FACILITIES.

- a) Every rooming house ~~or dormitory~~ shall be provided with toilets, lavatories, and bathing facilities, and shall consist of one (1) toilet, one (1) lavatory and one (1) bathing facility for every eight (8) occupants or fraction thereof. (2002-081)

14.11 AIR SPACE - LOFTS AND DECKS.

- a) No room in any rooming house ~~or dormitory~~ shall be occupied as a sleeping room by any person unless there is at least four hundred eighty (480) cubic feet of air space and not less than seventy (70) square feet of floor space per person for each person occupying any such room. (2002-081)
- b) Where a loft or deck is created or exists in any such sleeping room, it shall conform to the following:
1. Lofts or decks shall not exceed fifty (50) percent of the total floor area (square footage) of the sleeping room;
 2. Lofts or decks shall not obstruct any emergency egress window and/or egress door;
 3. No sleeping surface shall be within two (2) feet of the finished ceiling;
 4. Sleeping shall not be allowed under any loft or deck constructed within four (4) feet of the finished floor and loft deck;
 5. Partitioning or curtaining of lofts and decks is strictly prohibited. (1994-123)

14.12 FLOOR AREA.

- a) No rooming house ~~or dormitory~~ shall be operated with less than the following floor area therein: (2002-081)

1. Where the number of persons lawfully living in the structure does not exceed twenty (20) persons, there shall be two hundred (200) square feet of floor area therein for each such person living in the structure.
 2. Where the number of persons lawfully living in the structure exceeds twenty (20) persons but does not exceed thirty (30) persons, there shall be four thousand (4,000) square feet ~~of gross floor area~~ plus an additional one hundred fifty (150) square feet for each such person in excess of twenty (20) persons living in the structure.
 3. Where the number of persons lawfully living in the structure exceeds thirty (30) persons but does not exceed forty (40) persons, there shall be five thousand five hundred (5,500) square feet ~~of gross floor area~~ plus an additional one hundred (100) square feet for each person in excess of thirty (30) persons living in the structure.
 4. Where the number of persons lawfully living in the structure exceeds forty (40) persons but does not exceed fifty (50) persons, there shall be six thousand five hundred (6,500) square feet ~~of gross floor area~~ plus an additional sixty (60) square feet for each person in excess of forty (40) persons living in the structure.
 5. Where the number of persons lawfully living in the structure exceeds fifty (50) persons, a special permit shall be required as per Article 5 of the Unified Development Ordinance.
 6. All rooming houses ~~or dormitories~~ in the "MFR" zoning district shall obtain a special use permit as prescribed in Article 5 of the Unified Development Ordinance. Special Use Permit requirements shall apply for all new licensed rooming houses ~~or dormitories~~. (2002-081)
- b) For the purpose of determining area requirements in this Section, one child under five (5) years of age shall not be included in determining the number of persons. (1994-123)

14.13 COOKING/STORAGE OF FOOD AND KEEPING OF CERTAIN APPLIANCES.

- a) One (1) Mini Fridge no larger than 4.5 cu ft will be allowed in each sleeping room.
- b) It shall be unlawful for any person, firm, corporation, partnership or association which owns, conducts, keeps, manages or operates a rooming house, ~~as designated in this Chapter 14, Section 14.01,~~ to permit in any living and/or sleeping or other room not especially designated as a kitchen area:
 1. The cooking of any food ~~or beverage on, over, or under by~~ any device whatsoever for human consumption;
 2. The storage of food in any container not hermetically sealed and rodent proof.
- c) It shall be unlawful for any person to perform the following acts within any living and/or sleeping or other room not especially designated as a kitchen within a rooming house,

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~~as designated in this Chapter 14, Section 14.01:~~

1. To cook ~~any food on, over, or under with~~ any device whatsoever of food for human consumption;
 2. To store any food in any container not hermetically sealed and rodent proof.
- d) It is unlawful for any person, corporation, partnership or association to possess or use within any living and/or sleeping or other room not especially designated as a kitchen area within a rooming house, ~~as designated in this Chapter 14, Section 14.01,~~ any microwave, toaster, hot plate, stove, grill, or any other device whose purpose it is to cook food by the use of electricity, gas or solid fuel.
- e) ~~Irons, for pressing clothing,~~ may be used only in appropriate laundry areas. (1994-123)

~~**14.13-5 DORMITORIES REFRIGERATOR-MICROWAVE UNITS. (2002-081)**~~

- ~~a) It shall be unlawful for any person, firm, corporation, partnership, or association that owns, conducts, keeps, manages, or operates a dormitory as defined in this Chapter 14 to permit in any living, bed (or sleeping), or other room not specifically designated as a kitchen area.~~
- ~~1. The cooking of any food or beverage on, over, or under with any device whatsoever for human consumption except through the use of a consolidated refrigerator-microwave unit as defined in this Chapter 14.~~
 - ~~2. The storage of food in any container not hermetically sealed and rodent proof.~~
- ~~b) It shall be unlawful for any person(s) to conduct, or allow to be conducted, the following activity within any room of a dormitory not specifically designated as a kitchen area:~~
- ~~1. To cook any food or beverage on, over, or under with any device whatsoever for human consumption except through the use of a consolidated refrigerator-microwave unit as defined in this Chapter 14.~~
 - ~~2. To store any food in any container not hermetically sealed and rodent proof.~~

14.14 POWER STRIP IN SLEEPING ROOM.

- a) The owner or manager of each licensed rooming house ~~or dormitory~~ shall provide at least one (1) UL ~~or other recognized testing agency~~ approved, three (3) conductor, six (6) outlet power strip with fifteen (15) amp fuse or circuit breaker protection and a maximum cord length of fourteen (14) feet, in each sleeping room. ~~EXCEPTIONS: The licensed rooming houses or dormitory at 900 Crane Drive and 680 Haish Boulevard. (1990-095, 1994-123, 2002-081, 2007-007)~~

14.15 WARRANTY.

- a) Any person, firm, corporation, partnership or association entering into an oral or written contract with any occupant for the purposes of providing rooming and/or boarding

services as defined under this Chapter 14 is required to maintain at all times a license to operate said establishment issued by the City of DeKalb.

- b) If said person, corporation, partnership or association should fail so to do, any occupant may, at his/her election, terminate the written or oral contract with said person, firm, corporation, partnership or association and be refunded, pro rata, any prepaid sum for said services and be refunded in full any security deposit which may have been given to said person, firm, corporation, partnership or association. (1990-095, 1994-123, 2007-007)

14.16 ACCESSORY BUILDING.

- a) No accessory building shall be used for rooming house ~~or dormitory~~ purposes. (2002-081)

14.17 INTERPRETATION.

- a) In their interpretation and application, the provisions of this Chapter 14 shall be held to be the minimum requirements with respect to rooming houses ~~or dormitories~~ as herein defined, adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where this Chapter 14 imposes a greater restriction upon the use of the building or premise for rooming house ~~or dormitory~~ purposes than are imposed or required by the provisions of any other ordinances provision, the provisions of this Chapter 14 shall control, but in any regard, the highest or strictest standard imposed shall be the standard applicable. (1994-123, 2002-081, 2007-007)

14.18 STANDARDS FOR ISSUANCE OF LICENSES.

- a) The standard for issuing rooming house ~~or dormitory~~ licenses shall be those standards contained within this Chapter 14, and those additional standards which are prescribed elsewhere in City Ordinances, and any national or model building codes adopted by the City which apply to rooming house ~~or dormitory~~ uses in the customary interpretation. For the purpose of interpretation, any totally contained dwelling unit which is occupied by more than three (3) or four (4) unrelated persons (as regulated by geographic boundaries in accordance with the Unified Development Ordinance (Chapter 23)) shall be subject to the strict regulations of rooming houses ~~or dormitories~~. (1990-095, 1994-123, 2002-081, 2007-007)

14.19 NUISANCES DECLARED.

- a) It is hereby declared to be a public nuisance in violation of ~~Chapter 43, Section 43.17,~~ ~~of~~ the City of DeKalb Municipal Code, for any person, firm, corporation, partnership, association, owner, agent, occupant or person in possession, charge or control of any lot/building/premises governed by licensed rooming house ~~or dormitory~~ requirements as defined in this Chapter 14 to allow or permit the following: (2002-081)

1. To obstruct, block or deny access to refuse collection containers.

- b) Each refuse container shall be maintained with adequate clearances at all times to allow the container to be emptied by the contracted agency. This would include, but not be limited to, obstructing such access by any motorized vehicle, debris, or any other materials which would interfere with the emptying of a refuse container on the scheduled day of pickup. It shall be the property owner's responsibility to designate an area for the placement of refuse containers and to provide proper markings **and screening** at or upon the area for which the container is to be placed. The area designated for refuse containers shall be approved by the refuse contractor and **CBO** or designee.
- c) Any person, firm or corporation who shall violate or permit the violation of any provision as prescribed herein shall be subject to a citation ~~as prescribed in Chapter 13, Section 13.04, WRONG CHAPTER??? of the City of DeKalb Municipal Code, based upon apparent culpability.~~ (2007-007)
- d) Warnings and/or fines may be issued at the discretion of the ~~Fire Chief CBO~~ or designee, not to exceed the amounts as established in this Chapter ~~13, Section 13.04, WRONG CHAPTER??? of the City of DeKalb Municipal Code.~~ (1994-123)

14.20 FIRE SAFETY. ~~PROHIBITED FIRE HAZARDS~~ (2003-022, 2005-068)

- a) ~~A Knox box is required on each building.~~
- b) ~~When replacement is needed, all doorways leading to sleeping room, hallway corridors and any level changes are required to be a solid core, self-closing door. These doors must remain maintained and have a lever style handle.~~
- c) ~~All egress, including but not limited to window egress in sleeping rooms, are required to be kept clear and in good working order for accessibility.~~
- d) It shall be unlawful for any person who occupies, and any person, firm, corporation partnership, or association that owns, conducts, keeps, manages or operates a ~~dormitory or~~ rooming house as defined in this Chapter 14 to permit any torchiere style lamps **WITH OTHER THAN A LED BULB**, to be present anywhere in said ~~dormitory or~~ rooming house. (2003-022, 2005-068, 2007-007)
- e) It shall be unlawful for any person who occupies, and any person, firm, corporation, partnership, or association that owns, conducts, keeps, manages or operates a ~~dormitory or~~ rooming house as defined in this Chapter 14 to use or permit the use on the premises, indoors or outdoors, of any item that produces heat and/or light by use of an open flame. (2005-068)

~~14.21 PENALTIES.~~ (2003-022, 2005-068, 2007-007)

- a) ~~With the exception of the provisions set forth in this Chapter 14, Section 14.08 (c), any person, firm or corporation who shall violate any provision as prescribed in this Chapter 14, upon conviction shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00). Each day that a violation continues, after reasonable notice to abate the same, shall be deemed a separate and distinct offense. (2005-068, 2007-007)~~

~~b) Warnings and/or citations may be issued at the discretion of the Fire Chief or Community Development Director, or designee. (1994-123, 2005-068)~~

14.212 GREEK HOUSING FIRE SAFETY. (2018-019)

The City of DeKalb, in furtherance of the obligations contained within the Greek Housing Fire Safety Act, 110 ILCS 130/1 *et. seq.*, hereby adopts the following requirements as component of the Rooming House ordinance of the City of DeKalb.

a) Definitions:

Automatic Fire Sprinkler System: A fire sprinkler system as defined within the Fire Sprinkler Contractor Licensing Act, inclusive of a water service and active, monitoring alarm operational at all times.

Greek Organization: A social fraternity or sorority exempt from taxation under Section 501(a) of the Internal Revenue Code of 1986, the active membership of which consists primarily of students in attendance at a public or private institution of higher education.

Greek Housing: A rooming house, apartment, or other residential structure that provides housing for a Greek Organization, whether or not such structure provides for activities other than housing, provided that:

1. The structure is owned by a Greek Organization and is used for housing by any members; or,
2. The structure is leased by a Greek Organization (as lessor or lessee) and is used for housing by any members; or,
3. The structure is recognized by any accredited public or private university as providing housing to a Greek Organization or as being their housing location; or,
4. Eight (8) or more members of a single Greek Organization reside within the structure; or,
- ~~5. Fifty (50%) or more of the occupancy of the structure are members of one or more Greek Organizations, when the structure is eligible for recognition and licensure as a Rooming House under this Chapter 14 or when any dwelling unit within the structure contains such a number of unrelated persons as to violate applicable zoning restrictions on consanguinity as imposed under City Code.~~

b) Greek Housing Regulations: Any structure which is utilized as Greek Housing, and which is under the jurisdiction of the City of DeKalb, shall be subject to the following restrictions:

1. Newly Constructed or Renovated Greek Housing: Any time a structure is proposed to be constructed or renovated to be utilized as Greek Housing, it shall be required to be designed and constructed with an Automatic Fire Sprinkler System that

complies with all applicable codes and ordinances. Regardless of whether any other code or ordinance requires such Automatic Fire Sprinkler System, it shall be

required hereunder. Said Automatic Fire Sprinkler System shall be installed, operational and shall have passed inspection prior to granting a certificate of occupancy for the structure following construction or renovation.

2. Property Utilized as Greek Housing: Any time a structure is utilized as Greek Housing or identified as being within the definition of Greek Housing as defined above, said structure shall be obligated to be retrofitted with an Automatic Fire Sprinkler System that complies with all applicable codes and ordinances. Said Automatic Fire Sprinkler System shall be installed and operational before the first to occur of the entry of the owner of the structure into a new lease for use of the structure as Greek Housing, or the passage of twelve (12) months from the date of identification as Greek Housing.
 - A. The owner of any property which is utilized for residential purposes within the City of DeKalb shall have an obligation to make inquiry with all prospective tenants to confirm whether they are members of a Greek Organization so as to comply with the terms of this ordinance and install an Automatic Fire Sprinkler System if required hereunder. The owner shall make records responsive to such an inquiry available to the ~~Fire Chief CBO~~ or their respective designees, of the City of DeKalb upon request. Should the owner refuse to provide such records, the ~~Fire Chief CBO~~, or designee, shall be authorized to obtain an administrative subpoena or search warrant for such documents. The owner's failure to identify use of the structure as Greek Housing shall not be a defense to the obligation to install an Automatic Fire Sprinkler System.
 - B. In the event that an owner of a structure elects to avoid the requirement to install an Automatic Fire Sprinkler System within a structure by choosing to not renew leases so as to render the structure no longer Greek Housing, the owner shall notify the ~~Community Development Director CBO~~ or their respective designees in writing and shall enter into a compliance agreement identifying that the structure shall discontinue use as Greek Housing within a period of less than twelve (12) months. In the event that the structure is identified as being Greek Housing, as defined herein, more than one time in any rolling five-year period, the owner shall be obligated to install an Automatic Fire Sprinkler System.
- c) Greek House Registration, Licensure and Inspection: Any structure utilized as or meeting the definition of Greek Housing as defined herein, and any residential structure utilizing an Automatic Fire Sprinkler System shall be required to register with the City of DeKalb for a Rooming House License under this Chapter 14 and shall submit to the conduct of a Rooming House inspection as contemplated in Chapter 14. Said structure shall be required to comply with the requirements of this Chapter 14, and to comply with all other applicable codes, ordinances and statutes.