

**ORDINANCE 2019-043**

**PASSED: MAY 28, 2019**

**AMENDING ORDINANCE 2018-019 AND AUTHORIZING A CHANGE TO THE IMPLEMENTATION DATE FOR COMPLIANCE WITH THE GREEK HOUSING FIRE SAFETY ACT FOR SPECIFIED PROPERTIES TO AUGUST 1, 2019.**

**WHEREAS**, the City of DeKalb is an Illinois home-rule municipal corporation with power and authority conferred thereupon by the Illinois Municipal Code, the City Code of Ordinances and the Illinois Constitution; and

**WHEREAS**, the City has previously passed Ordinance 2018-019 providing for a June 30, 2019 compliance date for properties used as Greek Housing in accordance with the Greek Housing Fire Safety Act, 110 ILCS 130/1 ("the Act"), to have a fire suppression system installed, inspected, approved and operational; and

**WHEREAS**, the City has determined that an amendment to said compliance date is required; and

**WHEREAS**, the City Council has determined that it is necessary and appropriate to undertake such amendment, so as to protect and promote the public health, safety, welfare and morals;

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

**SECTION 1.** Pursuant to Ordinance 2018-019 as referenced above, the City Council reserved the right to alter the implementation/compliance date for fire suppression systems at Greek Housing in accordance with the Act. The City Council does hereby approve of an alternate implementation/compliance date, being August 1, 2019, for the properties located at 1300 Blackhawk Road, 823 Greenbrier Road, 919 Greenbrier Road and 920 W. Hillcrest Drive.

**SECTION 2.** All ordinances or portions thereof in conflict with this ordinance, including the prior versions of the ordinances included above, are hereby repealed.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 affect the same 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.

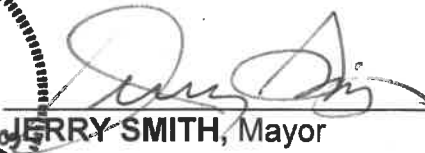
**PASSED BY THE CITY COUNCIL** of the City of DeKalb, Illinois at a Regular meeting thereof held on the 28<sup>th</sup> day of May 2019 and approved by me as Mayor on the same day. Passed on First Reading by a 7-0-1 roll call vote. Aye: Morris, Finucane, Smith,

McAdams, Verbic, Faivre, Mayor Smith. Nay: None. Absent: Fagan. Second Reading waived by a 7-0-1 roll call vote. Aye: Morris, Finucane, Smith, McAdams, Verbic, Faivre, Mayor Smith. Nay: None. Absent: Fagan.

**ATTEST:**

  
LYNN A. FAZEKAS, City Clerk



  
JERRY SMITH, Mayor

**ORDINANCE 2018-019**

**PASSED: MAY 14, 2018**

**AMENDING CHAPTER 14 "ROOMING HOUSES" BY  
ADDING SECTION 14.22, "GREEK HOUSING FIRE  
SAFETY" TO THE MUNICIPAL CODE OF THE CITY OF  
DEKALB, ILLINOIS.**

**WHEREAS**, the City of DeKalb is a home-rule municipality with the power and authority conferred thereupon by virtue of the Illinois Constitution, Illinois Vehicle Code and Illinois Municipal Code; and

**WHEREAS**, the City presently maintains provisions of Chapter 14 of the City Code regulating Rooming Houses; and

**WHEREAS**, the State of Illinois has passed the Greek Housing Fire Safety Act, 110 ILCS 130/1 *et. seq.* ("the Act"), which regulates and requires the installation of fire suppression sprinklers in structures being utilized as Greek housing, as defined therein, on and after January 1, 2019; and

**WHEREAS**, the City Council finds that the provisions of the Act lack adequate detail so as to inform property owners of the conduct that is prescribed and proscribed thereunder, which has the potential to result in inequitable or unclear enforcement of the provisions thereof; and

**WHEREAS**, the City has sought information from the Illinois State Fire Marshall to determine their approach to regulatory enforcement of the Act, and the Fire Marshall has declined to provide further information or clarification to the Act; and

**WHEREAS**, as drafted, the Act could apply to determine that when two (2) active members of an identified fraternity or sorority move into any dwelling, said dwelling could be thereafter regulated as Greek housing and be required to implement sprinklering, regardless of the use of the remainder of the structure; and

**WHEREAS**, the City Council finds that enforcement of the Act in the fashion as written is vague and incapable of precise enforcement, and is likely to lead to the imposition of fire suppression sprinkler requirements in structures that are not truly being utilized as Greek housing; and,

**WHEREAS**, the City has engaged in significant study of the practices and approaches of other municipalities that have universities with Greek housing within them and has engaged in a careful review of those approaches. As a result of that study, the City has concluded that no municipality has engaged in a technical enforcement of the Act in the broadest fashion possible thereunder, but rather that municipalities have attempted to devise enforcement approaches consistent with the intent of the Act and in furtherance of the goals thereof; and

**WHEREAS**, the City Council specifically finds that fire safety risks in Greek housing constitute a clear and imminent hazard to public safety and merit regulation as contemplated by the Act; and

**WHEREAS**, the City Council has determined that it is necessary and appropriate to amend said regulations to include the following restrictions, so as to protect and promote the public health, safety, welfare and morals.

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

**Section 1. Section 14.22 Added.**

Chapter 14, Section 14.22, "Greek Housing Fire Safety" shall be added as follows:

**14.22 Greek Housing Fire Safety:**

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 a component of the Rooming House ordinance of the City of DeKalb.

1) 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:

- a) The structure is owned by a Greek Organization and is used for housing by any members; or,
- b) The structure is leased by a Greek Organization (as lessor or lessee) and is used for housing by any members; or,
- c) 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,

- d) Eight (8) or more members of a single Greek Organization reside within the structure; or,
  - e) 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.
- 2) 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:
- a) 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.
  - b) 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.
    - (i) 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 of the City of DeKalb upon request. Should the owner refuse to provide such records, the Fire Chief 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.

(ii) 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 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.

- 3) 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 also to comply with all other applicable codes, ordinances and statutes.

**Section 2.** Provided that the owner of a property subject to the requirements of this Ordinance submits a written letter of intent to the Community Development Director by July 1, 2018 indicating the owner's intent to construct improvements consistent with these requirements of this Ordinance and in the timeline contemplated herein, the Community Development Director shall be authorized and directed to waive any applicable City permit fees or charges associated with such sprinkler improvements, including but not limited to permit fees, application fees, and tap-on or connection fees. Such fee waiver shall *not* include any fee relating to an actual cost incurred by the City, including but not limited to water meter fees or third-party review or inspection costs.

**Section 3.** All ordinances or portions thereof in conflict with this ordinance, including the prior versions of the ordinances included above, are hereby repealed.

**Section 4.** Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and affect the same as if the invalid provision had not been a part of this Ordinance.

**Section 5.** This Ordinance shall be in full force and effect after passage and publication pursuant to law. Notwithstanding the foregoing, the City shall not take any enforcement action under this Ordinance until January 1, 2019. Provided that the owner of a property subject to this ordinance has made substantial efforts to commence installation of any required equipment on or before January 1, 2019, the Community Development Director shall be authorized to extend the timeline for completion of improvements by not more than six months. An extension for longer than six months shall require the approval of

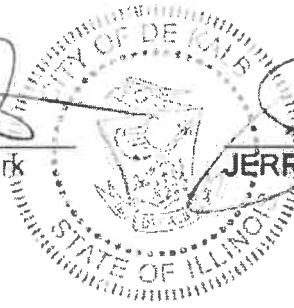
the City Council.

**PASSED BY THE CITY COUNCIL** of the City of DeKalb, Illinois at a Regular meeting thereof held on the 14<sup>th</sup> day of May, 2018, and approved by me as Mayor on the same day. Passed on First Reading by a 7-0-1 roll call vote. Aye: Finucane, Marquardt, Fagan, Noreiko, Verbic, Faivre, Smith. Nay: none. Absent: Jacobson. Second Reading waived by a 7-0-1 roll call vote. Aye: Finucane, Marquardt, Fagan, Noreiko, Verbic, Faivre, Smith. Nay: none. Absent: Jacobson.

**ATTEST:**



**RUTH A. SCOTT**, Deputy City Clerk



**JERRY SMITH**, Mayor