

1 AN ACT in relation to residential buildings.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 1. Short title. This Act may be cited as the  
5 Window Guard and Guard Rail Act.

6 Section 5. Public policy. The General Assembly finds that  
7 the public health and safety require the installation of  
8 guards on windows and other places in residential buildings  
9 to prevent persons from falling or injury.

10 Section 10. Definition. In this Act, "Department" means  
11 the Department of Public Health.

12 Section 15. Guards required.

13 (a) Guards must be installed at every point of danger in  
14 a residential building to prevent persons from being injured  
15 or falling. As used in this Section, "point of danger"  
16 includes, but is not limited to, the following:

17 (1) The edge of every floor, balcony, mezzanine, or  
18 other open space where a person, including but not  
19 limited to a child or infant, could fit through an open  
20 space in any location used or intended for human  
21 occupancy, if the edge or open space is at a height of  
22 more than one foot above the floor, ground, or pavement  
23 directly below the edge or opening.

24 (2) Every window, doorway, or other opening that  
25 does not have a sill, guard, rail, barrier or other  
26 structure at least 3.5 feet above the floor, ground, or  
27 pavement of a room or space, unless the window or doorway  
28 opens directly on the ground or pavement or on a space  
29 protected by guards as required under this Section.

1           (b) The guards required under this Section may be formed  
2 by walls, grills, balustrades, or railing systems. The guards  
3 must be constructed so that no person, including but not  
4 limited to a child or infant, is able to fit through the  
5 guard, and the vertical balusters must not be more than 3  
6 inches apart. The guard must be constructed so that no human  
7 being is capable of falling through it, and of sufficient  
8 strength to withstand the weight and force of several falling  
9 adults.

10           (c) The guard must comply with any fire code applicable  
11 to the building and, if necessary to comply with the fire  
12 code, must be removable in case of emergency. The fire  
13 commissioner or other head of the fire department in whose  
14 jurisdiction the building is located must approve the guard  
15 and certify that the guard complies with the fire code and  
16 that fire personnel can quickly remove the guard if  
17 necessary.

18           (d) The guard must not be less than 3.5 feet in height  
19 from the floor, ground, or pavement, and must be installed in  
20 a manner approved by the Department.

21           (e) The owner of a residential building or the owner's  
22 agent, but not a tenant of such a building if the tenant is  
23 not an owner of the building or an agent of the owner, is  
24 responsible for installing guards as described in this Act at  
25 points of danger as defined in this Act.

26           Section 20. Violation; penalty; liability.

27           (a) A building owner or agent of an owner who knowingly  
28 fails to install guards as required in this Act or the rules  
29 implementing this Act commits a Class B misdemeanor.

30           (b) A building owner or agent of a building owner who  
31 fails to install guards as required in this Act or the rules  
32 implementing this Act is strictly liable in tort for injuries  
33 resulting from that failure.

1           Section 25. Administration and enforcement. The  
2 Department shall administer and enforce this Act.

3           Section 30. Application of Act.

4           (a) The owner of a residential building that is occupied  
5 as a residence on the effective date of this Act, and the  
6 owner's agent, if applicable, must comply with this Act  
7 within 6 months after the effective date of this Act.

8           (b) In the case of a residential building that has been  
9 designated a landmark, the guards required under this Act may  
10 be installed inside the building.

11          Section 35. Rules. The Department shall adopt rules  
12 necessary to administer and enforce this Act.

13          Section 40. Home rule. A home rule unit may not regulate  
14 the installation of guards in residential buildings in a  
15 manner less restrictive than the regulation by the State of  
16 the installation of guards in residential buildings under  
17 this Act. A home rule unit may regulate the installation of  
18 guards in residential buildings in a manner more restrictive  
19 than this Act. This Section is a limitation under subsection  
20 (i) of Section 6 of Article VII of the Illinois Constitution  
21 on the concurrent exercise by home rule units of powers and  
22 functions exercised by the State.