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Porch Railings Could Be Life And Death Matter

The City Requires The Structures To Be 42 Inches High, But Not All Building Owners Have Complied

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CHICAGO (CBS) — Do you know how high the railing is on your porch?

It could be a matter of life or death.

Reporting
Pam Zekman

After watching a 2 Investigators report on dilapidated porches, the mother of a young man who died falling off a deck told Pam Zekman about another danger.

"That's my main concern, to make sure that nobody else gets hurt in this type of an accident," Jane Heflin said.

The accident that fatally injured her son happened four years after a porch collapse on Wrightwood that killed 13 partygoers. The latter tragedy prompted the city to strengthen porch-building codes.

Since 2004, new porch railings have to be 42 inches high. But there are thousands of old decks across the city that are not yet up to code.

"I'm heartbroken," said Heflin, who lost her 24-year-old son Sean after he fell in 2007 from a building at 1909 N. Bissell, where he was partying with friends.

Sean suffered serious head injuries and died six months later.

Now the building at 1909 N. Bissell has a new porch and deck system with 42-inch-high railings. The railings were 32 inches high when Heflin fell.

"That 10-inch difference in this case was the difference between no accident and serious injury or tragic death," said attorney Steve Levin.

He's filed a lawsuit on Jane Heflin's behalf, charging Stammich Management and Stammich Family Limited Partnership, which owns the building, with negligence.

Documents show that in 2005 and 2006, before the accident, city inspectors found various porch code violations at two other Stammich buildings, including the height of guard rails.

"Had they taken care of it (at the Bissell building), I really feel that Sean would still be with us," Jane Heflin said.

Zekman went to the offices of Stammich Management and spoke with a man who would only confirm that his last name was Stammich. When she pressed him about whether a death could have been prevented, the man said Zekman was "implying (her) opinion on a medical situation that occurred."

Witnesses said Heflin had been drinking, taking Vicodin for a work-related injury and was sitting on the railing when he leaned back and fell two stories.

"The purpose of this type of ordinance is to protect people sometimes from their own unwise behavior," Levin, the attorney, said.

Had the railing been the required 42 inches, it would have been much more difficult to sit on, Jane Heflin said.

"I hope that nobody else goes over a railing and loses their child or their loved one," she said.

In a motion to dismiss the suit, attorneys for Stammich deny the owners were negligent and blame Heflin's death on his own conduct.

The city's Building Department advises residents to measure their railings if they are concerned. If your railing is less than 42 inches high, you should contact your landlord and call 311 to file a complaint. That should trigger a city inspection.

Depending on what inspectors find, the Building Department can require landlords to make repairs.

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The deck has been rebuilt at this Lincoln Park apartment building, where a 24-year-old man fell in 2007. The incident is the subject of a negligence lawsuit.
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