

ORDINANCE NO. 04 - 29

**ORDINANCE ESTABLISHING A
BOARD OF APPEALS UNDER THE
2000 INTERNATIONAL BUILDING CODE
FOR THE VILLAGE OF EAST DUNDEE**

WHEREAS, the Village of East Dundee is a home rule unit of local government under and pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, has the authority to exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare; and

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS.

Section One. That the East Dundee Code of Ordinances be amended by adding thereto Title XV, **Land Usage**, Chapter 151, **Building Regulations; Construction**, Section 151.020, **BOARD OF APPEALS UNDER INTERNATIONAL UNIFORM BUILDING CODES**, as follows:

Section 151.020

A. **ESTABLISHED:**

There is hereby established a commission which shall be known as the "East Dundee Building Code Board of Appeals". Whenever the word "Board of Appeals" is used in this Chapter 151, it shall mean and refer to the East Dundee Building Code Board of Appeals. It is the intent of this Section to create the Board of Appeals set forth in Section 112 of the 2000 International Building Code adopted by the Village and to provide procedural implementation to Sections 112.1, 112.2 and 112.3 and adopt the limitations of Section 112.2 of the 2000 International Building Code.

B. **MEMBERSHIP; ORGANIZATION; APPOINTMENTS; TERMS:**

1. The Board of Appeals shall consist of three (3) voting members appointed to the Board of Appeals by the Village President, with the consent of the Village Board of Trustees. Each member shall have the following qualifications or substantially similar qualifications: as a registered structural or civil engineer experienced in building construction; as a licensed architect experienced in building construction; as a general contractor experienced in commercial and/or industrial construction, or as a general contractor experienced in residential construction. Each appointed member shall reside within 10 miles of the corporate limits of the Village or shall have their principal employment within the Village. Each member so appointed shall serve for three (3) years and may be reappointed by the President. Each member shall, upon appointment, take and subscribe an oath that they will faithfully and honestly perform the duties and functions of the office as set forth in this chapter to the best of their ability. A vacancy occurring in the Board of Appeals shall be filled by appointment to serve for the unexpired term.
2. The Board of Appeals shall meet at least annually during the month of March and shall elect one of its members as chairman for a term of one year subject to reelection.
3. The Building Official or his or her designee, shall serve as an ex officio member of the Board of Appeals with no voting rights.

C. **ADMINISTRATION:**

1. The Board of Appeals shall adopt rules governing its proceedings and the exercise of the powers and duties as established by this chapter provided that such rules shall not be in conflict with any provisions of this chapter and upon approval by the Village Board.
2. A quorum of two (2) members shall be required for any action by the Board of Appeals other than adjournment of a meeting.
3. The Building Official, or his or her designee, shall attend all meetings of the Board of Appeals and shall provide such assistance as may be required or requested by the Board of Appeals, and shall maintain an accurate record of all proceedings.

D. **APPEALS:**

1. The owner of a building or structure or any other interested person may appeal from a decision of the Building Official regarding the application or interpretation of the 2000 International Building Code as it may be amended from time to time. Application for appeal may be made when it is claimed that the true intent of any code or ordinance or the rules legally adopted thereunder have been incorrectly interpreted, that the provisions of this code do not fully apply, or an equally good or better form of construction or installation can be used.
2. The application shall be filed with the Building Department accompanied with a fee of \$25.00 and shall include the following information:
 - (a) The name, address and telephone number of the applicant;
 - (b) A copy of the ordinance upon which a ruling is sought;
 - (c) The names of the Village department, officers, or employees whose statements and decisions are being appealed;
 - (d) The location of the site for which the ruling is requested;
 - (e) A short, concise statement of the question to be resolved, and the applicant's position on the question; and
 - (f) If a product or material is sought to be substituted, the supporting information demonstrating that the substitute is equal or superior in design and quality.

E. **PROCESSING OF APPLICATIONS; HEARING:**

1. Upon receipt of a properly filed application, the Building Official shall forward copies of the application to the members of the Board of Appeals.
2. Upon receipt of the application, the chairman of the Board of Appeals shall set the time and place of said hearing as soon as practicable.
3. All hearings shall be public; and the appellant, his representative, the official of the jurisdiction and any other person whose interests may be affected by the matter on appeal, shall be given an opportunity to present relevant evidence.

4. A member of the Board of Appeals shall not pass on any question in which he is engaged as contractor or material dealer, or in the preparation of plans or specifications, or in which he has any personal interest, direct or indirect.

F. DECISION OF BOARD OF APPEALS:

The Board of Appeals shall, within 15 days after the close of the hearing on any appeal, make a written decision on the appeal. The Board of Appeals shall affirm, or reverse the decision of an inspector or representative of the department of code administration and development services by a concurring vote of a majority of its members. A copy of the decision of the Board of Appeals shall be forwarded to the applicant. Appeals of the decision of the Board of Appeals may be taken to the Village Board.

G. AMENDMENT OF UNIFORM BUILDING CODES

All appeals taken or permitted under the codes adopted pursuant to Section 151.002 **ADOPTION OF CODES**, shall be made under the provisions of this Section 151.020. To the extent there are conflicts between the provisions of any such code and this Section 151.020, the provisions of this Section shall control and prevail.

Section Two. Severability. If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

Section Three. Repeal. All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

Section Four. Publication. This ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

Adopted this 2nd day of August, 2004, pursuant to a roll call vote as follows:

AYES: Zaeste, Ruffalo, Bartels, Schack, Van Ostenbridge, Scarpelli
NAYES: None
ABSENT: None

Approved by me this 2nd day of August, 2004.

Roger W Ahrens
ROGER AHRENS, President

Published in pamphlet form this 4th day of August 32, 2004, under the authority of the President and Board of Trustees.

ATTEST:

Jane E. Theis
JANE THEIS, Village Clerk

Recorded in the Village Records on August 4th, 2004.

D:\A.WORDPERFECT\EASTDUND\2004 ORDINANCES\BLDG.CODE APPEALS\Bldg. Code Appeals (07-15-2004).wpd

