

ORDINANCE 14-31

AN ORDINANCE AMENDING TITLE NINE CHAPTER ONE BUILDING CODE OF THE
VILLAGE OF WEST DUNDEE

WHEREAS, the Village of West Dundee, Kane County, Illinois, is a home rule municipality as contemplated under Article VII, Section 6 of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois; and

WHEREAS, the Village of West Dundee is committed to protecting the public health and safety; and

WHEREAS, the Village of West Dundee is committed to maintaining a functional built environment and safe neighborhoods while securing property values and quality of life by the efficient administrative of building code regulations; and

WHEREAS, the Village Board has recently reviewed new code provisions and is desirous of updating codes regulating the built environment to internationally accepted code standards; and

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES, VILLAGE OF WEST DUNDEE, KANE COUNTY, ILLINOIS, as follows:

Section 1: Title 9 Chapter 1 Article A of the Village Code of the Village of West Dundee is hereby amended to read as follows:

9-1A-1: Building Code

- A. Adoption: Pursuant to the authority granted by Title 65 Illinois Compiled Statutes 5/1-3-2, the Village of West Dundee hereby adopts by reference, as criteria for the issuance of construction, reconstruction, alteration, repair and installation permits the provisions of the published **2012 International Building Code including appendix B, H105, H106 I and J** with the following amendments:

Section 101.1-These regulations shall be known as the Building Code of [NAME OF JURISDICTION], hereinafter referred to as "this code".

Insert: Village of West Dundee as NAME OF JURISDICTION

Section 101.4.3-The provisions of the *International Plumbing Code* shall apply to the installation, alterations, repairs and replacement of plumbing systems.

Delete: International Plumbing Code

Insert: 2004 Illinois State Plumbing Code, All further reference to the International Plumbing Code shall be converted to mean Illinois State Plumbing Code.

Section 103.1-The department of building safety is hereby created and the official in charge thereof shall be known as the *building official*.

Replace: department of building safety with department of community development.

Section 105.2-Work exempt from permit

Delete: No 2; No. 4; and No. 6

Section 113.1-In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.

Delete text: The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure.

Insert text: The board of appeals shall be the Village Board.

Insert text: Applications for appeal shall be accompanied by such plans or data, or both and shall include a statement in writing by the applicant or adequate facts showing that the requested appeal is within the board's authority as stipulated in Section 113.2.

Section 113.3-Qualifications. The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

Delete: Entire section

Section 406.3.4- The private garage shall be separated from the dwelling unit and its attic area by means of a minimum ½" –inch gypsum board applied to the garage side.

Amend text to: "of a minimum ½-inch gypsum board **with all seams and corners covered with tape and joint compound** applied to the garage side."

Section 903.2- Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.12.

Insert text: ", all use groups other than residential greater than 4,000 square feet in size and all Groups A, R, H and I regardless of size".

Section 903.4.1-monitoring. Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved supervising station or, when approved by the fire code official, shall sound an audible signal at a constantly attended location.

Delete text: supervising station or, when approved by the fire code official, shall sound an audible signal at a constantly attended location.

Insert text: dispatch center via an approved agency as determined by the Building Official.

Create Section 907.1.4-Monitoring. All locations which have a fire alarm system shall send the required signal to an approved dispatch center via an approved agency as determined by the Building Official.

Section 907.2-Where required. An approved fire alarm system installed in accordance with the provisions of this code and NFPA 72 shall be provided in new buildings and structures in accordance with sections 907.2.1 through 97.2.23 and provide occupant notification in accordance with section 907.5, unless other requirements are provided by another section of this code.

Delete text: in new buildings and structures in accordance with sections 90.2.1 through 907.2.23

Insert text: in all locations which have fire suppression, are required to have a fire suppression system or any use group greater than 2,500 sq ft

Create Section 1013.2.1 Retaining walls. Retaining walls creating a grade change of 30 inches or greater located 2 feet or less to walking surface, pedestrian area, parking lot or driveway on the high side shall be provided an approved protective barrier.

Create Section 1209.2.1 Multiple tenant buildings. Attic access openings must be protected by means of a latching device operable only from the inside of the tenant space.

Section 1705.15- Special inspections shall be required for all EIFS applications.

Delete Exceptions:

1. Special inspections shall not be required for EFIS applications installed over a water-resistive barrier with a means of draining moisture to the exterior.
2. Special inspections shall not be required for EFIS applications installed over masonry or concrete walls.

Section 1807.1.4 Permanent wood foundation systems.

Delete: Entire section

Section 3411.4-Existing buildings that undergo a change of group or occupancy shall comply with this section.

Delete: Occupancy

Add: as applicable with rules and regulations for non-conforming buildings as specified in 9-1A-5.

Create Section 3412.1.1 Sprinkler system option. When the compliance alternative method is used to determine compliance and sprinklers are utilized for compliance the sprinkler minimums established in the International Building Code and amendments shall be followed.

Section B101.1- The application for appeal shall be filed on a form obtained from the building official within 20 days after the notice was served.

Add text: The fee for such application shall be the same as the fee schedule for a zoning variation application.

Section B101.2, B101.2.1 and B101.2.2

Delete: Entire sections

9-1A-2: BUILDING PERMITS:

A. Permit Required: It shall be unlawful to construct, alter, extend, repair or remove any building or structure without first having secured a permit therefore from the building official. Except that ordinary repairs to buildings may be made without application or notice to the building official; but such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit way requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety, or to recover or replace roof coverings, or exterior wall coverings; nor shall ordinary repairs mean any installation of fencing or decks.

B. Application: No permit shall be issued until an application has been submitted and approved by the building official.

1. The application shall be provided by the village and contain information as required by the building code. The application shall be deemed incomplete unless all information requested is provided.

2. Plan review, required plans and specifications shall be submitted with the application for review along with the applicable plan review fee.

3. Permits shall not be issued prior to a completed and approved plan review.

4. When a permit has been issued the owner or his agent shall display the permit card on the job site facing the street on which the property is addressed.

5. An approved set of plans and specifications shall be kept on the job site and made available to village inspectors.

6. Suspended or abandoned work; all permits shall become invalid if the authorized work is not completed within six (6) months. If work is progressing satisfactorily, the building commissioner may authorize extensions to the original permit for an additional six (6) month period, but in no circumstances may the permit be extended for more than twelve (12) calendar months from its initial issuance.

Any building permit extension in excess of twelve (12) calendar months must be authorized with the consent and approval of the president and board of trustees.

The president and board of trustees may impose payment of an extension fees as per the extension fee schedule approved by the President and Board of Trustees.

7. All developers of new development, as defined in Kane County road improvement impact fee ordinance, are required to submit with their building permit application a copy of their receipt of payment reflecting payment of the Kane County road improvement impact fee.

C. Work without Permit:

1. Notice of Violation:

- a. If work is done or is in progress without a permit, the building official shall issue a violation notice. This violation notice shall be in writing to the owner and contractor, and require all work to stop.
- b. The violation notice shall contain the name of the owner of the property and his address, the address of the building in violation, the name of the contractor and his address, a date for submission of plans and application for permits. Such compliance date shall be no sooner than twenty four (24) hours from violation notice issued, no more than forty eight (48) hours from violation notice issuance.
- c. When an owner or contractor in violation makes application for permit, he shall agree to conform to all codes of the village, and to follow the plan review and building permit application procedures, and pay two (2) times the regular permit fee.

2. Failure to Meet Compliance Date on Correction Notice:

- a. Reinspection of property in violation shall be required.
- b. Inspector shall contact owner or contractor in violation when there has been partial or no compliance. Such contact shall be verbally and also in writing within forty eight (48) hours of the reinspection.
- c. Notification shall recommend to the owner or contractor a course of action based on reinspection and facts supplied by the owner or contractor. Such notification shall establish a reasonable compliance date and provide for reinspection on compliance date.
- d. Reinspection process shall be repeated as long as satisfactory progress and good faith are demonstrated by the violator. The first reinspection shall be at no charge, additional reinspections shall be subject to fees as per Chapter 2 of Title 9.
- e. If compliance cannot be demonstrated, the village attorney shall prepare and file the complaint.

D. Fees: Building permit fees shall be as provided in chapter 2 of this title.

9-1A-3: INSPECTIONS:

- A. From time to time during the progress of permitted work, the building official shall cause an inspection to be made for the purpose of ascertaining that such work is being done in accordance with plans and specifications submitted as provided in section 9-1A-2 of this chapter, and a written report of such inspection shall be filed with, and made a part of, the record of the job.
- B. For the purpose of making such inspection, the official or his deputy, agent or any other employee of the village shall be permitted to enter upon premises where the work is being done at any and all reasonable times.
- C. Inspections shall be carried out by the building official or his duly appointed agent in the following manner:
 1. After completing construction to an inspection point, the general contractor telephones the Community Development department and makes a request for inspection. Request must be twenty four (24) hours prior to desired inspection.

2. If the construction is approved and it is not the final inspection, the building official will notify the contractor that construction may proceed. Careful inspection shall be made of the location of buildings for conformity to site plan, in addition to the building inspection. If the construction is approved and it is the final inspection, the building official will issue a certificate of occupancy or a certificate of completion.

3. If the construction is not approved, the building official prepares an inspection report listing the necessary corrections required to pass the requested inspection.

4. The applicable portions of the above building inspection procedure are repeated as often as necessary until the completion of the final building inspection. (Ord. 89-04, 4-3-1989)

9-1A-4: CERTIFICATE OF USE AND OCCUPANCY:

- A. Occupancy Certificate Required: No building, or addition thereto, constructed after the effective date hereof and no addition or major alteration to a previously existing building shall be used or occupied, and no land vacant on the effective date hereof shall be used for any purpose until and unless an occupancy certificate has been issued by the building official. No change in use or occupancy in any business, commercial or industrial district shall be made nor any new use or occupancy established in any such district until an occupancy certificate has been issued by the building official. Every occupancy certificate shall state that the use or occupancy complies with all the provisions of the building code.
- B. Application for Occupancy Certificate: Every application for a building permit shall also be deemed to be an application for an occupancy certificate. Every application for an occupancy certificate for a new or changed use of land or building where no building permit is required shall be made directly to the building official.
- C. Posting Of Occupancy Certificate: Every occupancy certificate required hereunder by virtue of a change in use or occupancy in a business, industrial or commercial zoning district shall be permanently posted in a prominent place on the premises at all times.

9-1A-5: NONCONFORMING BUILDINGS:

Except as provided in this section, existing buildings, when altered or repaired as herein specified, shall be made to conform to the full requirements of the building code for new buildings:

- A. Alterations Exceeding Fifty Percent: If alterations or repairs are made within any period of twelve (12) months, costing in excess of fifty percent (50%) of the physical value of the building, the entire building shall meet all requirements prior to the issuance of occupancy permits.
- B. Damages Exceeding Fifty Percent: If the building is damaged by fire or any other cause to an extent in excess of fifty percent (50%) of the physical value of the building before the damage was incurred, the entire building shall meet all code requirements prior to the issuance of occupancy permits.
- C. Alterations Under Fifty Percent: If the cost of alterations or repairs described herein is between twenty five percent (25%) and fifty percent (50%) of the physical value of the building, the building official shall determine to what degree the portions so altered or repaired shall be made to conform to the requirements for new buildings. In making this determination, the building official shall consider the use and occupancy of the building, and the type of building materials and other related matters.

- D. Alterations Under Twenty Five Percent: If the cost of alterations or repairs described herein is twenty five percent (25%) or less of the physical value of the building, the building commissioner shall permit the restoration of the building to its condition previous to damage or deterioration with the same kind of materials as those of which the building was constructed; provided, that such construction does not endanger the general safety and public welfare.
- E. Increase in Size: If the building is increased in floor area or number of stories, the entire building shall be made to conform with the requirements of the building code in respect to means of egress, fire safety, light and ventilation.
- F. Part Change In Use: If a portion of the building is changed in occupancy or to a new use group and that portion is separated from the remainder of the building with the required vertical and horizontal fire divisions complying with the fire grading in said building code, then the construction involved in the change shall be made to conform to the requirements for the new use and occupancy and the existing portion shall be made to comply with the exit way requirements of the building code.
- G. Physical Value: In applying the provisions of this section, the physical value of the building shall be determined by the building official and be based on current replacement costs.

9-1A-6: HAZARDOUS BUILDING OR CONDITION:

A building or part or appurtenance thereof or a construction condition found to be hazardous to life, limb or health, upon order of the building official or enacting authority, shall be corrected, repaired, replaced, vacated, demolished or removed and the premises or work restored to or put in a safe condition within a reasonable period of time, as may be appropriate in each case, when such a finding has been made in writing, written notice of the findings and order has been given the owner or his agent or the contractor, and, except in emergencies, a hearing on the order has been held before the building official.)

9-1A-7: FENCES:

- A. Definition: A "fence" shall be defined as a structure forming a barrier between lots or between a lot and a street or an alley.
- B. Permit And Fees: Building permit fees shall be as provided in chapter 2 of this title. No person shall construct or maintain any fence or portion thereof unless a permit therefor shall first have been secured. Application for a permit shall be made to the community development department and the applicant shall furnish plans and specifications showing the work to be done and the location of the proposed fence on the owner's premises. Upon payment of all fees, the building official shall cause a permit to be issued.
- C. Specifications:
1. No fence shall be allowed on any part of a front yard, except as provided in 4 of this section.
 2. Fences may be erected to a height not exceeding five feet (5') from ground level, except as provided in 4 of this section.
 3. Fences must be erected so that the posts and all other supporting members face to the owner's side. The rough part of the frame shall face the owner's property.

4. On corner lots within the R-3 zoning district only, fences shall be allowed in a front yard abutting a street provided that the fence is located within that portion of the yard between the rear lot line and the rear line of the principal structure on such lot. Such fence shall also be subject to the following regulations:
 - a. With the exception of wrought iron fencing, the fence may be erected to a height not exceeding four feet (4') from ground level.
 - b. Fence shall be constructed in such a manner that the pickets and/or vertical components shall be no less than fifty percent (50%) open.
 - c. A maximum of four inches (4") shall be maintained between pickets and/or vertical components.
 - d. The following styles and materials shall be prohibited: chainlink, masonry, wire panel and split rail. Masonry materials may be used for fence post construction.
 - e. Fence shall be oriented in such a manner that the finished side faces the public right of way and adjacent property.
 - f. Material and placement for such fencing shall be reviewed and approved by the Appearance Review Commission as detailed in 2-2-5B6.
- D. Prohibited Materials: The following materials are prohibited for use as a fence: barbed wire, chicken wire, welded wire, woven wire unless in panel construction encased in rot resistance wood framing, of a gage measuring not more than eleven, finished with casing and post caps designed to be decorative, wood snow fence, plastic snow fence, plastic safety or barrier fence, and any materials added to an existing fence which would extend the height of the existing fence. Chainlink fence or solid plastic fencing shall not be permitted in side yards parallel or facing the street on the address side, and in rear yards on corner lots parallel or facing to the intersecting street. This does not include any yard, or property line that is not immediately adjacent to any street frontage.

9-1A-8: PENALTY:

Unless otherwise provided herein, any person who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this building code, including provisions adopted by reference, or who refuses to remedy a violation of any such provision or to remedy a hazard of fire, explosion, collapse, contagion or spread of infectious disease found to exist and duly ordered eliminated, shall be fined as provided in the general penalty in section 1-4-1 of this code for each offense, with each day such violation continues constituting a separate offense.

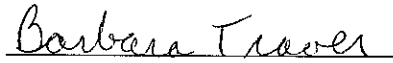
Section 2: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

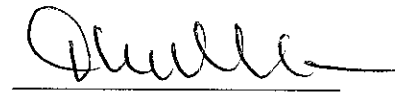
Section 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: That this Ordinance shall be in full force and effect upon its passage and approval, as provided by law.

AYES:	Trustees Price, Yuscka, Pflanz, Wilbrandt and Kembitzky
NAYS:	None
ABSENT:	Trustee Hanley
ABSTAIN:	None

ATTEST:


Barbara Traver
Village Clerk


Christopher Nelson
Village President

Passed:	8/4/2014
Approved:	8/4/2014
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