

ORDINANCE 14-33

AN ORDINANCE AMENDING TITLE NINE CHAPTER ONE ARTICLE G  
INTERNATIONAL RESIDENTIAL 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 meet 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 G of the Village Code of the Village of West Dundee is hereby amended to read as follows:

9-1G-1: 2012 International Residential Code for One- and Two- Family Dwellings

- 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 of one and two family dwellings the provisions of the published **2012 International Residential Code indulging appendix C, F, G, J, K and O** with the following amendments:

**Section R101.1**-These provisions shall be known as the *Residential Code for One- and Two-Family Dwellings* of [NAME OF JURISDICTION], and shall be cited as such and will be referred to herein as "this code."

Insert: Village of West Dundee as the NAME OF JURISDICTION

**Create Section R102.7.2-Existing non-conforming.** All existing materials, defects or installations not meeting current code requirements that are uncovered during the course of permitted work must be brought into code compliance.

**Section R105.2- Work exempt from permit.** Permits shall not be required for the following work

Delete: No. 2; No. 4; No. 5; and No 10.

**Create Section R106.2.1-** A plat of survey, prepared by a licensed surveyor, shall be submitted after permitted work that increases the footprint of the primary structure or the construction of a detached garage has been completed.

**Section R109.1.2-** Rough inspection of plumbing, mechanical, gas and electrical systems shall be made prior to covering or concealment, before fixtures or appliances are set or installed, *and prior to framing inspection.*

Delete text: "and prior to framing inspection"

**Section R112.1- General.** 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 building official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conduction its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

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 112.2.

**Section R112.3- 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

## **Create Section R115-SITE REQUIREMENTS**

**Section R115.1 Sanitation.** Approved portable sanitation facilities for all workers shall be made available on site. Required sanitation facilities shall be maintained by the providing agency.

**Section R115.1.1- Location.** Portable sanitation facilities shall be located entirely on private property of the lot where construction activity is being performed.

**Section R115.2. Fencing.** When required by the Building Official, all construction sites shall be protected from unauthorized entry by a minimum 5 foot high chain link fence until such time that the house can be secured by means of doors and windows.

**Section R115.2.1- Location.** Required construction fencing shall be located on the property line of the construction site.

**Create Section R202 New Construction.** Construction of a dwelling unit where no dwelling existed before, the demolition of an existing dwelling unit which leaves only the foundation walls intact, an addition to an existing dwelling unit that increases the building useable space (not including the basement) by 125%.

**Create Section R202 Historic Building.** Building that are listed or eligible to for listing in the National Register of Historic Places, or designated as historic under appropriate state or local law.

**Table R301.2(1)-**

Ground Snow Load	WIND DESIGN		Seismic Design Category	SUBJECT TO DAMAGE FROM			Winter Design Temp	Ice Barrier Underlayment Required	Flood Hazards	Air Freezing Index	Mean Annual Temp
	Speed	Topographic Effects		Weathering	Frost Line Depth	Termite					
25	90	No	B	Severe	42"	Moderate	-4	Yes	Yes	1700	50

**Section 302.1 Exception: #2** Walls of dwelling units and accessory structures located on the same lot.

Delete: Exception #2

**Section R302.6 Dwelling/garage fire separation.** The garage shall be separated as required by Table R302.6. Openings in garage walls shall comply with Section R302.5. This provision does not apply to walls that are perpendicular to the adjacent dwelling unit wall.

Add test to title: **Dwelling/shed/garage fire separation.**

Add test: The garage or shed shall be separated as required by Table R302.6.

Delete text: This provision does not apply to walls that are perpendicular to the adjacent dwelling unit wall.

**TABLE R302.6 DWELLING/GARAGE SEPARATION**

Add text: **DWELLING/SHED/GARAGE SEPARATION**

**TABLE R302.6 MATERIAL** Not less than ½” gypsum board or equivalent applied to the interior side of exterior walls that are within this area.

Add text: All required gypsum board assemblies shall have a minimum of one coat of joint compound applied to all seams.

**TABLE R302.6 SEPARATION**

Add entry: Sheds located less than 3 feet from a dwelling unit on the same lot.

**TABLE R302.6 MATERIAL** Not less than ½” gypsum board or equivalent applied to the interior side of exterior walls that are within this area.

Add text: All required gypsum board assemblies shall have a minimum of one coat of joint compound applied to all seams.

**Section R302.7-** Enclosed accessible space under stairs shall have walls, under stair surface and any soffits protected on the enclosed side with ½” gypsum board.

Add text: All required gypsum board assemblies shall have a minimum of one coat of joint compound applied to all seams.

**Create Section R309.6-Required doors.** Openings provided for vehicle access to the interior of attached and detached garages shall be provided with an approved wooden or metal door.

**Section R310.1-** Basements, habitable attics and every sleeping room shall have at least one operable emergency and rescue opening.

Change first sentence to: Basements, habitable attics, every sleeping room and finished individual rooms in basements more than 175 square feet in size shall have at least operable emergency and rescue opening.

**Create Section R311.7.11 Stairway Railings on Historic Homes** Grand stairways and building entrances with wing walls shall be accepted without complying with the handrail and guard requirements. Existing handrails and guards at all stairs shall be permitted to remain, provided they are not structurally dangerous.

**Create Section R312.1.1.1 Retaining walls.** Retaining walls creating a grade change of 30 inches or greater located 2 feet or less to a walking surface, pedestrian area, parking lot or driveway on the high side shall be provided an approved protective barrier.

**Section R319.1-** Buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background.

Add text: Buildings shall have approved address numbers, building numbers or approved building identification attached to the building placed in a position that is plainly legible and visible from the street or road fronting the property.

## **Create new Section R324 RADON CONTROL**

**Create Section R324.1 Radon Control required.** All new residential construction governed by this code shall be provided with and active sub slab depressurization system in stalled in accordance with Appendix F. All other requirements with the appendix and the Illinois State Law shall be followed.

**Section R403.1.4.1-** Except where otherwise protected from frost, foundation walls, piers and other permanent supports of buildings and structures shall be protected from frost.

Exception #3- Decks not supported by a dwelling unit need not be provided with footings that extend below the frost line.

Delete: Exception #3

**Create Section R404.1.2.2.3- Openings.** A minimum of two #5 rebar shall be provided over the tops of all openings in foundation walls. Required rebar shall extend a minimum of three feet past the opening on both sides.

**Create section R404.6.1- Reinforcement.** All trench foundations require a total of four #5 rebar. Two rebar to be located in the top third of the foundation wall and two rebar to be located in the bottom third of the foundation wall.

**Section R405.1-** Drains shall be provided around all concrete or masonry foundations that retain earth and enclose habitable or usable spaces located below grade. *Drainage tiles, gravel or crushed stone drains*, perforated pipe or other approved systems or materials shall be installed at or below the area to be protected and shall discharge by gravity or mechanical means into an approved drainage system.

**Exception:** A drainage system is not required when the foundation is installed on well-drained ground or sand-gravel mixture soils according to the Unified Soil Classification System.

Delete: All references to drainage tiles, gravel or crushed stone drains

Delete: Exception

**Create Section R405.2.3.1-Location.** Any method used which extends a storm water discharge pipe more than 24" from a foundation must meet the following conditions:

1. Termination of an extension can be no closer the 6' to any property line
2. Termination of an extension must be located in front or rear yard
3. Multiple extensions can't be combined into a single discharge location
4. A minimum distance of 10' must be maintained between individual discharge terminations

**Create Section R408.8- Height.** Under floor spaces shall have a minimum clear height of 36 inches. Clear height shall be measured from top of finished floor to the underside of the floor joists above. Beams, girders, ductwork or plumbing components are allowed to project into that area as long as a minimum height of 24 inches remains under those projections.

**Create Section R408.9- Floor.** All crawl spaces shall be provided with a floor consisting of a 4 inch thick stone base covered with a continuous vapor retarder topped by a minimum of two inches of concrete.

**Section R506.1-** Concrete slab-on-ground floors shall be a minimum of 3.5 inches thick.

Change text: 3.5 inches to 4-inches

**Section R506.2.2-** *A 4-inch thick base course consisting of clean graded sand, gravel, crushed stone or crushed blast furnace slag passing through a 2-inch sieve shall be placed on the prepared sub-grade when the slab is below grade.*

Replace text to: A 4-inch-thick compacted base course consisting of clean graded crushed stone (CA6) or equal shall be placed on the prepared sub-grade.

**Exception:** A base course is not required when the concrete slab is installed on well-drained or sand-gravel mixture soils.

Delete: Exception

**Section R506.2.3** A 6 mil polyethylene or approved vapor retarder with joints lapped not less than 6 inches shall be placed between the concrete floor slab and the base course or the prepared sub grade where no base course exists.

**Exception:** The vapor retarder may be omitted:

1. From garages, detached garages, utility buildings and other unheated accessory structures.

Add text: From **detached** garages, utility building and other unheated accessory structures.

**Create Section R703.9.5 Inspections:** All EIFS installations shall be inspected by an approved third party inspection agency to determine that installation meets manufacture instructions. Copies of all reports shall be presented to the building official for review.

**Create Section P2501.3 Detached Accessory Structures.** Plumbing service shall not be provided to any detached accessory structure. A variation may be approved by the Board of Appeals for property owners seeking plumbing service for legal uses such as home office, pool house, potting shed or other similar uses but will not be permitted for dwelling units including "mother in law" and/or "adult child" arrangements. Water and sewer service to an attached accessory structure is permitted only when there is a traditional connection with the principal structure including but not limited to common roof and internal access. The definition of attached for this purpose does not include a deck or a breezeway.

#### Table P1905.4 WATER SERVICE PIPE

Delete: All materials other than type K copper. Any further reference to any material other than type K copper relating to water service shall be deleted.

#### Table P2905.5 WATER DISTRIBUTION PIPE

Delete: Chlorinated Polyvinyl Chloride Plastic (CPVC), Copper (Type WK, WL, M and WM), Galvanized Steel Pipe and Polypropylene Plastic Pipe (PP). Any further reference to any deleted material relating to water distribution pipe shall be deleted.

**Create: Section E3601.6.3 Service disconnect height.** The service disconnect switch, when in its highest position, shall not be located more than 6 feet above the floor or working platform.

**Create Section E3706.4.1 Split breakers.** Use of split breakers shall be prohibited.

#### Table E801.2 ALLOWABLE WIRING METHODS

Delete: Nonmetallic sheathed cable (NM), Service entrance cable (SE), underground service cable (USE), Underground feeder cable (UF) and Electrical nonmetallic tubing (ENT)

**Create Section E3902.1.1-Lighting.** Lighting receptacles located within the vertical wall of shower and tub enclosures shall be ground fault protected. All bathrooms shall be provided with a minimum of one lighting outlet not connected to the ground fault circuit.

**Create Section E4001.5.1- Food waste disposals.** Disconnecting means for food waste disposals shall be located inside the cabinet in which the disposal is located.

B. Variations: The board of appeals is authorized to grant variations from the provisions of this article only in situations where the property was improved in compliance with all applicable codes and there is a subsequent failure of a required system through no fault of the owner.

1. Procedure: Applications shall be filed with the board of appeals on forms designated by the board of appeals. The application shall be accompanied by such plans or data, or both, as specified by the board of appeals, and shall include a statement in writing by the applicant or adequate facts showing that the proposed variation will conform to the standards set forth herein for variations.

2. Fee: A fee as established by the board of trustees shall be required for filing an application for a variance.

3. Hearing on Application: Upon receipt in proper form of the application and statement referred to above, the board of appeals shall hold at least one public hearing on the proposed variation. Notice of such a hearing shall be given by posting the agenda of the meeting of the board of appeals at which the variation will be considered on the village's website. However, the board of appeals may continue the hearing from time to time without further notices being given except by public announcement at the meeting and being placed in the minutes of that meeting.

4. Standards: A variation shall be granted only if the evidence in the judgment of the board of appeals sustains each of the following:

- a. The plight of the owner was not created by the owner and is due to unique circumstances causing hardship to the owner; and
- b. The alleged difficulty or hardship has not been created by any person presently having an interest in the property or any person through whom the applicant claims title;
- c. The granting of the variation will not be substantially detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; or
- d. The proposed variation will not otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.

5. Decisions: All decisions of the board of appeals on any variation request shall be put in writing and contain findings showing that the applicant has met the standards set forth herein or state the reasons why the variation is denied. The decision shall state the relief granted and may contain conditions deemed appropriate to safeguard public health, safety and welfare. (Ord. 06-15, 5-15-2006)

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

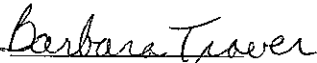
shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

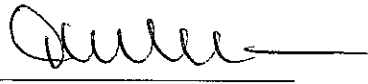
Section 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

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  
Published: 8/4/2014

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