

VILLAGE OF CHATHAM, ILLINOIS

ORDINANCE NO. 04-43

AN ORDINANCE AMENDING THE VILLAGE OF CHATHAM CODE OF
ORDINANCES BY UPDATING BUILDING CODES

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF CHATHAM, ILLINOIS

THIS 13 DAY OF July, 2004

Published in pamphlet form by the authority of the President and
Board of Trustees of the Village of Chatham, Sangamon County,
Illinois, this 13 day of July, 2004.

AN ORDINANCE AMENDING THE VILLAGE OF CHATHAM CODE OF ORDINANCES BY UPDATING BUILDING CODES

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM, ILLINOIS, AS FOLLOWS:

SECTION 1: Sections 150.01, 150.02, 150.06, 150.08, 150.20 through 150.123, 150.125, 150.127, 150.128 and 150.132 of the Village of Chatham Code of Ordinances are amended to state as follows:

§150.01 ADOPTION OF BUILDING CODE.

Pursuant to Section 1-3-1 of the Illinois Municipal Code, the edition of the International Building Code specified in and as amended by Exhibit A hereto, as published by the International Code Council, (“the IBC”) is hereby adopted as the Building Code of the Village of Chatham. The IBC shall control all matters concerning the construction, alteration, addition, repair, removal, demolition, use, location, occupancy, and maintenance of all buildings and structures, other than one and two family dwellings, and shall apply to existing or proposed building and structures, except if such matters are otherwise provided for in this Ordinance or in other ordinances or statutes or rules or regulations of the Village of Chatham, Illinois.

§150.02 ADOPTION OF ONE AND TWO FAMILY DWELLING CODE.

Pursuant to Section 1-3-1 of the Illinois Municipal Code, the edition of the International Residential Code for One and Two Family Dwelling Code, published by the International Code Council, (the “IRC”) specified in and as amended by Exhibit A

hereto, is hereby adopted by reference as the One and Two Family Dwelling Code of the Village of Chatham. The IRC shall control all matters concerning construction, prefabrication, alteration, repair, use, occupancy, and maintenance of detached one or two family dwellings and one family townhouses not more than three stories in height, and their accessory structures.

§150.06 ADOPTION OF PROPERTY MAINTENANCE CODE.

Pursuant to Section 1-3-1 of the Illinois Municipal Code, the edition of the International Property Maintenance Code, specified in and as amended by Exhibit A hereto, published by the International Code Council, is hereby adopted as the Property Maintenance Code of the Village of Chatham. This Property Maintenance Code shall apply to all existing and future structures in the Village of Chatham, other than one and two family dwellings.

§150.08 EXCEPTIONS TO ADOPTION BY REFERENCE.

The following sections of the above Codes are not adopted by reference and shall be of no force and effect:

- a. Any provision of the above Codes pertaining to penalties for violation thereof.
- b. Any section of the above Codes pertaining to inspection fees.
- c. Any section of the above Codes pertaining to appeals of decisions of any building, plumbing or electrical inspector.

d. Any provision of any of the above Codes, other than the Illinois Plumbing Code, relating to plumbing. It is the intent of this Ordinance that the State of Illinois Plumbing Code shall control all matters relating to plumbing.

§150.20 RESOLUTION OF CONFLICTS AMONG CODES.

In the event of conflicts among the Codes adopted pursuant to §§ 150.01 through 150.06, or among such Codes and this Ordinance, the following rules shall apply:

- a. The provisions of this Ordinance shall prevail over the provisions of any Code.
- b. The Illinois Plumbing Code shall prevail over the provisions of any other Code.
- c. The IRC shall prevail over the IBC with respect to one and two family dwellings.
- d. In the event of any other conflict, the most stringent requirement shall apply.

§150.21 CREATION OF OFFICES TO ENFORCE CODE.

a. There is hereby created the office of Building Code Administrator. The Building Code Administrator shall have the powers and duties of the Code Official as defined in the codes adopted in this chapter, and may have other duties prescribed by the Village Board not related to his duties as Building Code Administrator. The Building Code Administrator shall also be the head of the Electrical Inspection Department of the Village of Chatham, as that term is used in Section 11-37-2 of the Illinois Municipal Code. The Building Code Administrator shall supervise all building, electric, plumbing and life safety inspectors and, where no separate inspectors are appointed and where

permitted by statute, may be a building, electrical, plumbing or life safety inspector. The Building Code Administrator shall be an officer of the Village appointed by the Village President with the advice and consent of the Board of Trustees for an indefinite term not to exceed the term of office of the Village President who appointed him.

b. In addition to duties set forth in paragraph (a), the Building Code Administrator shall identify, and subject to the hourly rate limitation established in Appendix B to this Chapter, shall enter into contracts with one or more persons to serve in the capacity of:

(1) Building Inspector, to perform all inspection work other than plumbing and electrical. Any Building Inspector so contracted shall have demonstrated competence in application of Building Codes adopted herein, and may have competence in application of the Plumbing Code and the Electrical Code.

(2) Electrical Inspector, to perform for all electrical inspections. Any Electrical Inspector shall have demonstrated competence in interpreting the Electrical Code adopted herein.

(3) Plumbing Inspector, to perform all plumbing inspections required by the Plumbing Code adopted herein. A Plumbing Inspector shall be a licensed plumber under the laws of the State of Illinois.

(4) Life Safety Inspector, to aid in enforcement of the Life Safety Code. Any such Inspector shall have demonstrated competence in life safety inspections.

§150.22 BUILDING CODE BOARD OF APPEALS.

a. General. The provisions of this Section of this Ordinance are inconsistent in some respects with Section 112 of the IBC and are intended to replace and prevail over Section 124 of the IBC.

b. Application for Appeal. Any person shall have the right to appeal to the Board of Appeals from any decision of the Building Code Administrator refusing to grant a modification to the provisions of any Code adopted pursuant to this Ordinance covering the manner of construction or materials to be used in the erection, alteration, or repair of a building or structure, or electrical plumbing mechanical or other equipment therein, or the refusal to grant a building permit or a certificate of use and occupancy, or the improper issuance of a Stop Work Order. An application for appeal shall be based upon the claim that the true intent of the Codes adopted hereby or the rules legally adopted thereunder have been incorrectly interpreted, that the provisions of the Codes adopted hereby do not fully apply, or an equivalent form of construction can be used.

c. Membership of the Board of Appeals. The Board of Appeals shall consist of five members appointed by the President who shall serve for five years or until a successor has been appointed.

d. Qualifications of Board Members. One member of the Board shall be a member of the Fire Department of the Chatham Fire Protection District. Each other member shall be a resident of the Village and a licensed professional engineer or architect, or a building or superintendent of building construction or an electrical or plumbing contractor with at least five years experience in responsible charge of work.

Not more than two members shall be from the same profession or occupation, and at least one professional engineer shall be a structural or civil engineer with architectural or engineering experience. If the President cannot find persons with these qualifications willing to serve, the president may appoint some other persons to the Board.

e. Alternate Members. The Village President, with the advice and consent of the Board of Trustees, shall appoint two alternate members who shall be called by the Board Chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for Board membership and shall be appointed for five years or until a successor has been appointed.

f. Chairman. The Board shall select one of its members to serve as Chairman. A member of the Board shall not hear an appeal in which that member has any personal, professional or financial interest.

g. Secretary. The Village President shall designate a person, who may be the Deputy Clerk of the Village, to serve as Secretary to the Board. The Secretary shall keep a journal and shall file a record of all proceedings with the Village Clerk.

h. Compensation. Members of the Board shall receive no compensation for service on the Board, but are entitled to the actual expenses in accordance with Village reimbursement policies.

i. Notice of Meetings. The Board of Appeals shall meet upon notice from the Chairman, within ten days of the filing of an appeal.

j. Open Meetings. All hearings before the Board, and all proceedings of the Board, shall be open to the public. The Board shall comply with State statutes and

Village ordinances pertaining to open meetings. Its journal and its records shall be public documents subject to disclosure under State statutes and Village ordinances pertaining to Freedom of Information. At any hearing before the Board, the appellant, the appellant's representative, the Code Administrator, and any person whose interests are affected, shall be given an opportunity to be heard. The Chairman shall have the discretion to determine whether a person seeking to be heard is a person whose interests are affected by the appeal.

k. Procedure of the Board. The Board shall adopt and make available to the public through the Secretary, procedures under which a hearing shall be conducted. The procedure shall not require compliance with strict rules of evidence but shall mandate that only relevant information be received. The procedure shall require that no Board member shall be qualified to hear any case in which he or she has a financial interest or in which he or she is related by blood or marriage to the appellant.

l. Postponed Hearing. When five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request postponement of the hearing.

m. Board Decision. The Board may modify or reverse the decision of the Building Code Administrator only by a concurring vote of at least three members. The decision of the Board shall be in writing. Certified copies of the decision shall be furnished to the appellant and the Code Administrator. The Code Administrator shall take immediate action in accordance with the decision.

n. Administrative Review. Decisions of the Board of Appeals shall be reviewable by the Circuit Court of the Seventh Judicial Circuit, Sangamon County, Illinois, in accordance with provisions of the Illinois Code of Civil Procedure relating to Administrative Review.

§150.23 GRIEVANCE PROCEDURES.

In lieu of filing an appeal of an adverse determination by the Building Code Administrator, a person adversely affected thereby may request within three business days of the adverse decision an informal grievance conference with a panel consisting of the Building Code Administrator, Director of Utilities and Administration, and the Chairman of the committee of the Village Board with jurisdiction over planning, zoning and building. The grievance panel shall have no authority to force the Building Code Administrator to change a decision, but shall meet with the aggrieved party and the aggrieved party's representative in an effort to resolve the differences between the Building Code Administrator and the aggrieved party in a quick and expeditious fashion. The grievance panel shall use best efforts to meet within three business days of the request by the aggrieved party. The Building Code Administrator shall, within one business day of the meeting of the grievance board, confirm or modify the decision from which the grievance has been taken. In the event the aggrieved party avails himself of the grievance procedures, the time to appeal the decision of the Building Code Administrator shall run from the date the Administrator confirms or modifies his decision following the meeting of the grievance panel.

§150.25 INSPECTION AND ENFORCEMENT.

a. No structure, fence, swimming pool or satellite dish in the Village shall be constructed, enlarged, altered or repaired without a permit being issued by the Building Code Administrator. Upon application and approval, the Building Code Administrator shall issue a permit. All work performed pursuant to any permit issued hereunder shall meet the requirements for workmanship, methods and materials as set forth in the Codes adopted in this Ordinance and all requirements of the Zoning Ordinance and other applicable ordinances of the Village. The permit shall be posted on the premises at the time the work is commenced. Inspection shall be performed pursuant to § 150.28.

b. Notwithstanding the above, a building permit shall not be required for the following:

1. Cases, counters and partitions not over five feet high;
2. Painting, papering, window replacement without removing frames, and similar finish work;
3. Temporary motion picture, television and theater stage sets and scenery;
4. Window awnings supported by an exterior wall when projecting out not more than 54";
5. Alterations and remodeling, the cost of which is less than \$1,000 and does not constitute or affect corridors, exit ways, and load-bearing members of those structures.
6. Replacing shingles and applying siding.

c. Unless otherwise exempted by this Ordinance, separate plumbing, electrical, building and mechanical permits shall be required for the above-exempted items.

§150.27 APPLICATIONS FOR PERMIT.

Applications for permits other than for one and two family dwellings shall be governed by Section 105 of the IBC, which requires, among other things, submission of the plans and engineering details of the work. Applications for permits for one and two family dwellings shall be governed by Section R-105 of the IRC. The Building Code Administrator is authorized in his discretion to utilize the services of the Village Engineer or of the services of the International Code Council in connection with his review of the plans. Plan review fees are set forth in Appendix B to this Ordinance.

§150.28 INSPECTIONS OF NEW CONSTRUCTION.

a. Inspections of the work are governed by Section 109 of the IBC and Section R-109 of the IRC. Section 109.3 of the IBC requires the Building Code Administrator to "conduct inspections from time to time during and upon completion of the work for which a permit has been issued." Section R-109 of the IRC calls for "necessary inspections." The Village shall conduct inspections pursuant to IRC and IBC during the following phases of the work:

1. Site or stakeout;
2. Footing;
3. Framing;
4. Rough-in (mechanical, electrical and plumbing);

5. Fireplace (if applicable); and
6. Final.

b. The Building Code Administrator shall respond or shall ensure that his inspectors respond to inspection requests made by contractors as follows -- the response time for inspection of one and two family dwelling units shall be two business days after notification, with the exception of footing inspections, which shall be four hours after notification, so long as notification for a footing inspection is given before 1:00 p.m. on any business day. Inspections for all other structures shall be within three business days after notification. In no event shall the Building Code Administrator or building, plumbing or electrical inspectors be required to make inspections on Saturdays and Sundays, or after business hours, although they may do so in their discretion and upon payment by the contractor or owner of a \$50 surcharge to the Village. Plumbing and electrical inspections shall be made within two business days of notification for one and two family dwellings, and three business days for other structures.

c. Notwithstanding the above, only a site or stakeout inspection shall be required for the following:

1. One story detached accessory buildings used as tool and storage sheds, playhouses, and similar uses, provided the projected roof area does not exceed 120 square feet;
2. Fences not over six feet high;

3. Retaining walls which are not over four feet in height, measured from the top of the footing to the top of the wall, unless supporting a surcharge or impounding flammable liquids;

4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ration of height to diameter or width does not exceed 1:2.

5. Stoops, 5' x 5' or less; walks, ramps, less than 20' long; and driveways not more than 30" above grade and not over any basement or story below.

6. Pre-fabricated swimming pools in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed 5,000 gallons.

§ 150.32 GRANDFATHER CLAUSE.

a. No existing building or structure not in compliance with any of the Codes adopted herein as of the effective date of this Chapter or of any amendment hereto, and no building, the foundation of which has been laid as of the effective date of this Chapter or any amendment hereto which is completed within six months of the effective date of this Chapter or the amendment, shall be deemed to be in violation of this Chapter by reason of continuation of the non-complying condition; nor is any owner required to bring any such structure into compliance with any Code adopted hereunder, except as stated in subsections b through h below.

b. Existing structures shall be brought into compliance with the Life Safety Code Chapters pertaining to existing structures within 90 days of the effective date of this Ordinance.

c. Existing structures shall be brought into compliance with the International Property Maintenance Code within 90 days of the effective date of this Ordinance.

d. As Exhibit A is amended from time to time, existing structures shall be brought into compliance with any amendments of the Life Safety Code pertaining to existing structures and with the International Property Maintenance Code and the Plumbing Code amendments pertaining to backflow and back siphonage, within 90 days of the effective date of the amendments.

e. Where the owner of an existing structures believes that compliance with the Life Safety Code or Property Maintenance Code cannot be accomplished by the effective date of this Ordinance or the effective date of any amended Exhibit A, such owner may, upon a showing of hardship to the Building Code Administrator, obtain an extension of time of up to 90 days to comply.

f. Where the owner of an existing structure believes it will be impossible or would cause economic hardship to comply with the Life Safety Code or the Property Maintenance Code, such owner may apply to the Building Code Board of Appeals for a variance. Such a variance shall be granted if and only if the following conditions are met:

- (1) The requested variance will not endanger the life, health or safety of any person;
- (2) The requested variance meets the spirit of the Codes adopted herein; and
- (3) The requested variance does not violate regulations of the Illinois State Fire Marshall (NFPA 101, current edition).

g. Notwithstanding the foregoing, if a building was in violation of this Chapter or any of the codes adopted pursuant to Chapter or any amendment, or in violation of any other Village ordinance pertaining to building, zoning or utilities that were in effect as of the effective date of this Chapter or the amendment, and the codes adopted herein are no more stringent than the prior ordinances with respect to the condition which violated the prior ordinance or code, then the owner of the building is not entitled to the grandfather provisions of subsection (a).

SECTION 2: Section 150.31 of the Code of Ordinances of the Village of Chatham is repealed.

SECTION 3: Appendices A and B to Chapter 150 of the Village of Chatham Code of Ordinances are replaced in their entirety by Appendices A and B to this Ordinance.

SECTION 4: The provisions of this Ordinance are severable; in the event any provision is declared invalid or unenforceable, the validity and enforceability of the remainder of the Ordinance shall not be affected. This Ordinance shall become effective upon its passage, approval and publication as provided by law. On or before August 1, 2004, the Clerk of the Village has procured and placed on file in the Village Hall three copies of all of the Codes adopted herein. This Ordinance shall be published forthwith in pamphlet form, and a notice of its passage shall be published in a newspaper of general circulation within the Village.

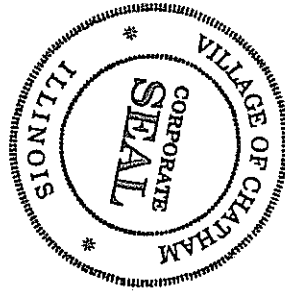
PASSED this 13 day of July, 2004.

Thomas S. Gray

VILLAGE PRESIDENT

ATTEST:


Village Clerk



AYES: SHERR BOGLE MCCARTHY MCGRATH KAVANAGH
NAYS: 0
PASSED: 7-13-04
APPROVED: 7-13-04
ABSENT: L MCDAMS

APPENDIX A

CURRENT CODES ADOPTED BY REFERENCE WITH ADDITIONS, INSERTIONS AND CHANGES

The following Codes are adopted by reference, with amendments, insertions and changes, as follows:

A. International Building Code, 2003 Edition.

1. Section 100.1 -- Insert "the Village of Chatham"

B. International Residential Code-- One and Two Family Buildings (2003 Edition).

No amendments.

C. National Electric Code (2002 Edition)

Articles 210-52 and 220-3 are superseded and amended with the following provisions:

No more than two (2) 20 ampere duplex receptacle outlets shall be served in kitchen under cabinet or over countertop applications per 20 ampere circuit. However, an additional 440 watts could be used to feed lighting and other equipment in the vicinity if necessary, but the feed also has to be 20 amperes (#12 Awg. Wire)

Information Note: All circuits must be fused for smallest size conductor of that particular circuit and Article 220-3 must be adhered to regarding number of boxes allowed on circuit.

D. Illinois Plumbing Code (2004 Edition, when it is published by the Department of Public Health. Until that time, the 1998 Edition will apply.)

No amendments.

E. Life Safety Code, NFPA 101 (1994 Edition)

No amendments.

F. International Property Maintenance Code (2003 Edition)

1. Section PM100.1 -- Insert "the Village of Chatham".

2. Section PM109.2 -- Delete.

3. Section PM302.12 -- Insert "_____ through _____".

4. Section PM601.1 -- Insert "from October 15 through May 14".

5. Section PM601.2 -- Insert "October 15 through May 14".

APPENDIX B

FEES

1. BUILDING PERMIT FEE: \$.12 per square foot, or \$40.00, whichever is greater

2. MECHANICAL PERMIT FEE: \$40.00

3. ELECTRICAL PERMIT FEE: \$40.00

4. PLUMBING PERMIT FEE: \$50.00

6. PLAN REVIEW FEE: If conducted for the Village by IRC or consultants--\$150 deposit required; balance to be billed to owner at cost plus 5% administration fee, to be paid before final inspection. If conducted by the Building Code Administrator, no additional charge.

7. RE-INSPECTION FEE: If a structure or other work fails an inspection, necessitating a re-inspection, the re-inspection fee shall be \$40 for any re-inspection other than plumbing, and \$50 for a plumbing re-inspection, whichever is greater.

8. ADDITIONAL FEE FOR NON-RESIDENTIAL INSPECTION:

The foregoing fee structure is for one and two family structures with an inspection schedule as set forth in Section 150.28 of the Village of Chatham Code of Ordinances. For other structures, e.g., apartments, commercial, industrial, hotel, and nursing home construction governed by IRC, the Village normally must retain the services of an outside experts, e.g., structural engineers, architects, etc. For such structures and work, the owner shall be responsible for paying the greater of the fees set forth above, or the actual cost to the Village of such outside services, plus a 5% administration fee. At the time of application, the owner shall pay to the Village the Building Code fees as set forth above. However, if the Village's actual cost is greater than the fees specified above, then the owner shall be liable to pay the Village the difference at or before the final inspection. The owner, the Building Code Administrator, and the Village engineer or the other outside expert, should confer as soon as possible after the building permit application is made to discuss the scope and schedule of plan reviews and building inspections so as to minimize the inconvenience and expense to the owner.

9. RATES FOR INSPECTORS:

The Building Code Administrator is authorized to contract with inspectors at up to the following rates and up to 12 hours per week:

- \$20 per hour-uncertified inspectors
- \$25 per hour--certified structural inspector
- \$35 flat fee per inspection—electrical, plumbing and mechanical

ORDINANCE CERTIFICATE

STATE OF ILLINOIS)
) SS.
COUNTY OF SANGAMON)

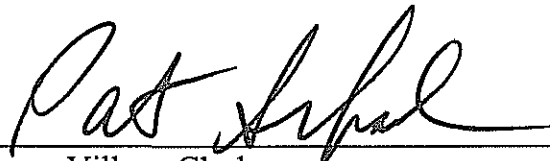
I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

I do further certify that the ordinance attached hereto is a full, true, and exact copy of Ordinance No. 04-43 adopted by the President and Board of Trustees of said Village on the 13 day of July, 2004, said Ordinance being entitled:

AN ORDINANCE AMENDING THE VILLAGE OF CHATHAM CODE OF ORDINANCES BY UPDATING BUILDING CODES

I do further certify that prior to the making of this certificate, the said Ordinance was spread at length upon the permanent records of said Village, where it now appears and remains.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Village this 13 day of July, 2004.



Village Clerk



STATE OF ILLINOIS)
) ss.
COUNTY OF SANGAMON)

CERTIFICATE

I certify that I am the duly elected and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

I further certify that on 7-13-04, 2004, the corporate authorities of such Village passed and approved Ordinance No. 04-43 entitled:

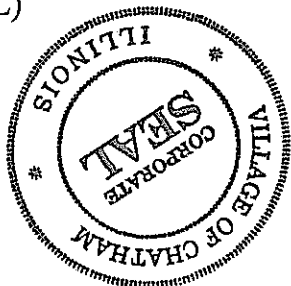
AN ORDINANCE AMENDING THE VILLAGE OF CHATHAM CODE OF ORDINANCES BY UPDATING BUILDING CODES

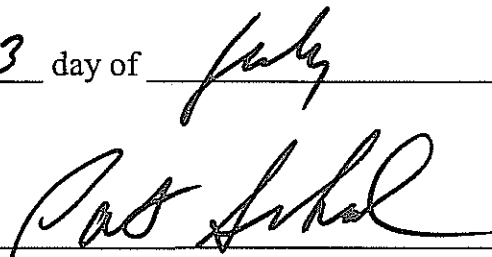
which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 04-43 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on 7-13-04, 2004, to continue for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk.

DATED at Chatham, Illinois, this 13 day of July, 2004.

(SEAL)





Village Clerk