

VILLAGE OF LIBERTYVILLE

Municipal Code Chapter 6 Buildings and Technical Regulations

Residential Building Code Incorporating the 2015 International Building Code as amended

Adopted 4/12/16 as part of Ord. 16-O-21

Effective 5/1/16

LIBERTYVILLE, ILLINOIS MUNICIPAL CODE
Chapter 6 BUILDINGS AND TECHNICAL REGULATIONS*

*Cross reference(s)--Community appearance, Ch. 7; environmental preservation, Ch. 9; nuisances, Ch. 15; planning and development, Ch. 18; subdivisions, Ch. 22; zoning, Ch. 26.

State law reference(s)--General authority to regulate buildings and construction, 65 ILCS 5/11-30-1--5/11-39-3

ARTICLE I. IN GENERAL

Secs. 6-1--6-25. Reserved.

ARTICLE II. BUILDING CODE

DIVISION 1. GENERALLY

Sec. 6-26. Title.

This article shall be known as the building code of the village, referred to in this article as "this code," and shall include general provisions, the basic building code, the mechanical code, the plumbing code, energy code, swimming pool code, fuel gas code, existing building code, and the one and two family residential code. Other codes and ordinances of the village which pertain to the construction or alteration of buildings and structures include, without limitation, the electrical code in article III of this chapter, the property maintenance code in article IV of this chapter, and the fire prevention code in article V of this chapter.

(Ord. No. 92-0-52, '2(100-1), 10-27-92)

Sec. 6-27. Scope.

This article shall control all matters concerning the construction, alteration, addition, repair, movement, equipment, replacement, removal, demolition, use, location, occupancy and maintenance of all buildings and structures, and shall apply to existing or proposed buildings and structures; except as such matters are otherwise provided for in chapter 26, Zoning, or other ordinances or statutes, or in the rules and regulations authorized for promulgation under the provisions of this code.

(Ord. No. 92-0-52, 2(100-2), 10-27-92)

Sec. 6-28. Intent.

This code shall be construed to secure its expressed intent, which is to establish the minimum requirements to safeguard public safety, health and welfare, insofar as they are affected by building or structure construction, through structural strength, stability, adequate means of egress

facilities, sanitary equipment and systems, light and ventilation, electrical devices and systems, and fire safety; and, in general, to secure safety to life and property from all hazards incident to the design, erection, repair, replacement, removal, demolition, maintenance, or use and occupancy of buildings, structures or premises.

(Ord. No. 92-0-52, '2(100-4), 10-27-92)

Sec. 6-29. Applicability.

- (a) *Generally.* The provisions of this article shall cover all matters affecting or relating to buildings and structures, as set forth in sections 6-26 through 6-28.
- (b) *Exemptions.* This code shall not be construed as requiring alterations to lawfully constructed existing buildings or equipment, unless specific provision is made to the contrary or unless the provision is expressly made retroactive.
- (c) *Matters not provided for.* Any requirement essential for structural, fire, electrical, mechanical or sanitary safety of an existing or proposed building or structure, or essential for the safety of the occupant thereof, and which is not specifically covered by this code or other codes and ordinances of the village as described in section 6-26, shall be determined by the building official based upon the exercise of his best professional judgment in accordance with customary practice in the field.
- (d) *Other regulations.* When the provisions in this article specified for health, safety and welfare are more restrictive than other regulations, this code shall control; but in any case, the most rigid requirements of either this code or such other applicable regulations as may be in force or legally adopted shall apply whenever they may be in conflict.

(Ord. No. 92-0-52, '2(100-5), 10-27-92)

Sec. 6-30. Existing structures.

- (a) *Unlawful use.* Any use, building or structure used or constructed unlawfully or that was in violation of any previous codes or regulations, prior to the adoption of this code, shall be deemed a continuing violation and subject to the penalties of this code.
- (b) *Continuation of existing use.* Consistent with chapter 26, Zoning, the legal use and occupancy of any structure existing on the date of adoption of this code or for which building permits have been applied and which meet all provisions of previous regulations may be continued without change, except as may be specifically covered in this code and the property maintenance and fire prevention regulations adopted in articles IV and V of this chapter, or as may be deemed necessary by the building official for the general safety and welfare of the occupants and the public.
- (c) *Change in use.* It shall be unlawful to make any change in the use or occupancy of any structure or portion thereof which would subject it to any special or general provision

of this code without approval of the building official, certifying that such structure meets the intent of the provisions of all codes and ordinances governing the new use or occupancy and that such change does not result in any greater hazard to public safety or welfare. Where a change of use is contemplated in whole or in part of any existing building, the building shall be upgraded to comply with this code for the most hazardous use.

(d) *Alterations or repairs.* Alterations or repairs may be made to any structure without requiring the existing structure to comply with all the requirements of this code; provided such work conforms to that required of a new structure and that such alterations or repairs shall not cause an existing structure to become unsafe, unsanitary or adversely affect the performance of the building. Alterations or repairs to an existing structure which are nonstructural and do not adversely affect any structural member or any part of the structure having a required fire resistance rating may be made with the same or better materials of which the structure is constructed.

(Ord. No. 92-0-52, '2(100-6), 10-27-92; Ord. No. 94-0-34, '4, 7-26-94)

Sec. 6-31. Repairs and maintenance.

- (a) *Repairs.* Ordinary repairs to structures (those that are generally routine and/or decorative in nature and are nonstructural) may be made without application or notice to the building official, but such repairs shall not include the cutting or weakening 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 requirements; nor shall ordinary repairs include additions to, alterations of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electrical wiring or mechanical equipment or devices or other work affecting public health or general safety. Ordinary repairs shall include routine replacement/changeout of residential toilets, sinks and their connectors.
- (b) *Maintenance.* All buildings or structures and all parts thereof, both existing and new, shall be maintained in a safe and sanitary condition. All service equipment, means of egress, devices and safeguards which are required by this code in a building or structure, or which were required by a previous code or statute in a building or structure, when erected, altered or repaired, shall be maintained in good working order.
- (c) *Owner responsibility.* The owner or the owner's designated agent shall be responsible for the safe and sanitary maintenance of the building or structure or premises and its means of egress facilities at all times.

(Ord. No. 92-0-52, '2(100-7), 10-27-92)

Sec. 6-32. Demolition of structures.

- (a) *Service connections.* No structure may be eligible for demolition unless and until the owner has submitted proof that the structure is vacant. Before a vacant structure can be demolished or removed, the owner or owner's agent shall notify all utilities having service connections within the structure such as water, electric, gas, sewer. Permit to demolish or remove a vacant structure shall not be issued until a release is obtained from the utilities, stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner.
- (b) *Notice to adjoining owners.* A permit shall not be issued for the removal of a vacant building or structure until proof of notification to the owners of adjoining properties and to the owners of overhead wires or other facilities which may have to be temporarily removed or protected is provided by the applicant.
- (c) *Lot protection and cleanup.* Whenever a structure is demolished or removed, the premises shall be maintained free from all unsafe or hazardous conditions during and after the demolition work. All debris is to be safely removed, dust is to be controlled and the property restored to established grade. Proper drainage will be provided, and the erection of any necessary retaining walls, fences or other safeguards shall be in accordance with Chapter 33 of the International Building Code, as adopted in section 6-161.
 - (a) *Tree Preservation.* Permits shall not be issued for the removal of a vacant building or structure until a tree survey of the property, performed by a certified arborist is submitted for review. Any trees removed as part of the demolition of a vacant building or structure shall be required to be replaced in accordance with Chapter 9 of this code.
 - (b) *Fees, bonds and insurance.* Permit fees, cash restoration bonds, and proof of insurance shall be paid submitted in the amounts shown in section 6-90 (Fee Schedule), 6-91 (Cash Bonds) and 6-86(k) (Insurance) The building official may waive the insurance requirement for minor demolition work.

(Ord. No. 92-0-52, '2(100-8), 10-27-92; Ord. No. 96-0-38, '2, 6-13-96)

Sec. 6-33. Moved structures; site plan approval, compliance required.

Buildings and structures moved into or within the village must receive prior approval of the building plan and the site plan from the president and board of trustees, and the owner must provide evidence that the building or structure shall comply with all provisions of this code for new buildings and structures. Further, the building or structure shall not be used or occupied in whole or in part until the certificate of use and occupancy shall have been issued by the building official.

(Ord. No. 92-0-52, '2(100-9), 10-27-92)

Sec. 6-34. Materials and equipment; approval required.

- (a) *Generally.* All materials, equipment, systems and devices approved for use by the building official shall be constructed and installed in accordance with such approval. No unapproved materials shall be used or installed in any building or structures.
- (b) *Manufacturer's instructions and recommendations.* Where this code does not provide specific installation detail or instructions and/or this code does not specifically address the proper application or prohibitions of use of specific materials, the approved manufacturer's installation instructions and recommendations for the proper installation and use of the specific materials shall govern.
- (c) *Modifications.* Where there are practical difficulties involved in carrying out structural or mechanical provisions of this code or of an approved rule, the building official may vary or modify such provision upon application of the owner or owner's agent, provided that the spirit and intent of the provisions shall be observed and public safety and welfare are ensured. Such modifications shall be properly recorded in the permanent records and files of the department.
- (d) *Used materials and equipment.* No used materials, equipment, systems and devices shall be constructed or used unless proof is provided that all such have been reconditioned, tested and placed in like-new, proper working condition and have been approved for use by the building official.
- (e) *Alternative materials and equipment.* The provisions of this code are not intended to preclude the use of any material and method of construction not specifically prescribed by this code, provided any such alternative has been approved. The building official may approve any such alternatives, provided the building official finds that the proposed alternative is at least equivalent to, or better than, the prescribed material or method of construction in quality, strength, effectiveness, fire resistance, durability and safety, and complies with the intent of this code.
- (f) *Research and investigations.* The building official shall require that sufficient technical reports or test data be submitted to substantiate the proposed use of any alternative material or methods of construction, and if it is determined that the evidence submitted constitutes satisfactory proof of performance for the use intended, the building official may approve its use, subject to the restrictions or limitations placed on the alternative material or method of construction as revealed by the technical data, reports, and test results. The costs of all tests, reports and/or investigations required under this subsection shall be paid by the applicant.

- (g) *Approved report and testing agencies.* All technical reports shall be prepared, sealed and signed by qualified engineers licensed by the state. All tests shall be conducted under the provisions of the International Building Code, as adopted in section 6-161, and shall use nationally recognized test standards. Approved testing agencies shall be those generally recognized nationally as qualified to responsibly conduct and interpret tests and test results and shall be approved by the building official.
- (h) *Research reports.* The building official may accept duly authenticated research reports from the International Building Code or other approved sources of national standing, as supporting data for acceptance of materials or methods of construction not specifically provided for in this code. The building official may require such research reports by a duly qualified research body before acceptance of new or alternative materials or methods of construction, with all costs to be paid by the applicant.

(Ord. No. 92-0-52, '2(100-10), 10-27-92)

Sec. 6-35. Professional architectural and engineering services.

- (a) *Generally.* All plans, specifications, computations, details or other pertinent data required for a building permit application for new construction, additions, alterations, repair, expansion or modification work for any structure or mechanical system involving the practice of professional architecture or engineering, as defined by the statutory requirements of the professional registration laws of the state, shall be prepared by or under the direct supervision of a registered architect or engineer and bear the architect's or engineer's signature and seal in accordance with the state statutes governing professional registration and practice. Overall structural design of buildings and nonbuilding structures shall bear the signature and seal of a registered architect or structural engineer only. Building systems, other than structural design, shall bear the signature and seal of a registered architect or of an engineer of the appropriate registration. All plans for new residential buildings shall bear the signature and seal of an architect as described above except that the building official may waive this requirement for room additions, or other minor additions or alterations to buildings and structures.
- (b) *Special professional services.* Where applications for building permits involve unusual design, complexity or magnitude, or where adopted national standards require special architectural or engineering inspections, the building official may require appointment of a full-time project representative by the architect or engineer. This project representative shall be responsible for the proper construction of the project under the approved plans and specifications, subject to all of the provisions of this code and normal building department inspections. This project representative shall keep daily records and submit reports as required by the building official.

- (c) *Building permit requirements.* The special professional service requirement provided for in this section shall be determined prior to the issuance of the building permit and shall be a prerequisite for the permit issuance.
- (d) *Fees and costs.* All fees and costs related to the performance of special professional services shall be borne by the owner.

(Ord. No. 92-0-52, ' 2(100-11), 10-27-92)

Sec. 6-36. Workmanship.

All work shall be constructed, installed and completed in a workmanlike and acceptable manner, so as to secure the results intended by this code. Where recognized standards of workmanship have been established, they shall be applied to the work being performed. Where standards of workmanship have not been specifically established, the rule of reasonable expectations of a reasonable person shall apply.

(Ord. No. 92-0-52, ' 2(100-51), 10-27-92)

Secs. 6-37--6-55. Reserved.

DIVISION 2. ADMINISTRATION AND ENFORCEMENT*

*Cross reference(s)--Board of building appeals, ' 2-416 et seq.

Subdivision I. General Provisions

Sec. 6-56. Building Division.

- (a) *Building Commissioner.* The division head in charge of the building division of the department of Community Development shall be known as Building Commissioner and, for the purposes of this code and the Libertyville Municipal Code Chapter 6, the building official and the Code Official.
- (b) *Appointment.* The Building Commissioner shall be appointed by the village Director of Community Development subject to approval of the village administrator.
- (c) *Organization.* The Building Commissioner shall be assisted by inspectors and other employees as shall be necessary for the administration of this code and as authorized by the appointing authority.
- (d) *Deputy.* The Building Commissioner may designate an inspector as deputy who shall exercise all powers of the building commissioner during the temporary absence or disability of the Building Commissioner.

- (e) *Liability.* The Building Commissioner, inspectors and other employees charged with the enforcement of this code, while acting for the village, shall not thereby be rendered liable personally, and the Building Commissioner, inspectors and other employees are relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against the Building Commissioner, inspectors and other employees because of an act performed by that person in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the village until the final termination of the proceedings. The Building Commissioner or any subordinates shall not be liable for any costs in any action, suit or proceedings that may be instituted in pursuance of the provisions of this code; and such persons of the Building Division, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.
- (f) *Official records.* An official record shall be kept of all business and activities of the Building Division and all such records shall be open to public inspection during normal business hours in accordance with the Freedom of Information Act (FOIA) except where an inspection or investigation is pending, or where some other FOIA exemption is applicable. Original documents and records shall not leave the premises of the department except by permission of the Building Commissioner after an appropriate cash bond has been posted for the return of same in good condition.

(Ord. No. 92-0-52, ' 2(100-12), 10-27-92)

Sec. 6-57. Duties and powers of the Building Commissioner.

- (a) *Generally.* The Building Commissioner shall enforce all the provisions of this code and shall act on any questions relative to the mode or manner of construction, materials or systems to be used in the erection, addition, alteration, repair, replacement, removal, demolition, installation of service or mechanical equipment and the location, use, occupancy and maintenance of all buildings, structures, and premises. The Building Commissioner shall also perform such other duties as may be assigned.
- (b) *Applications and permits.* The Building Commissioner shall receive and review applications and issue permits for the erection and alteration of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code, and all other related ordinances.
- (c) *Building notices and orders.* The Building Commissioner shall issue all necessary notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards during construction, and to ensure compliance with all code and

ordinance requirements for the health, safety and general welfare of the public.

- (d) *Inspections.* The Building Commissioner or his duly authorized inspectors shall make all the required inspections and such additional inspections as may be necessary to enforce the provisions of this code and other required ordinances. The Building Commissioner may accept reports of inspections by approved agencies or individuals; and all reports of such inspections shall be in writing and certified by a responsible officer of such approved agency or by the responsible individual. Subject to approval of the appointing authority, the Building Commissioner may engage such expert opinion as may be deemed necessary to report upon unusual technical issues that may arise.
- (e) *Rule-making authority.* The Building Commissioner shall have powers as may be necessary in the interest of public health, safety and general welfare to adopt and promulgate rules and regulations, to interpret and implement the provisions of this code, to secure the intent thereof, and to designate requirements applicable because of local climatic or other conditions; but such rules shall not have the effect of waiving working stresses or fire resistance requirements specifically provided in this code or violating accepted engineering practices involving public safety.
- (f) *Records.* The Building Commissioner shall keep official records of applications received, permits and certificates issued, reports of inspections, and notices and orders issued. Such records shall be retained in the official records so long as the building or structure to which they relate remains in existence unless otherwise provided by other regulations.
- (g) *Annual report.* At least annually, the Building Commissioner shall submit to the chief authority of the village a written statement of operations, in the form and content as shall be prescribed by the chief authority.

(Ord. No. 92-0-52, ' 2(100-13), 10-27-92)

Sec. 6-58. Right of entry.

The building official and all duly authorized inspectors shall have the authority, during reasonable working hours, to lawfully enter upon any premises or into any building or structure, or portion thereof, whether completed or in the process of construction, alteration or repair, when necessary to do so in the performance of any duty imposed upon them by this code, or any other law, ordinance or statute which they are required to enforce. Where such entry is refused by the owner, the owner's agent or the occupant, the building official may apply to the circuit court for an administrative search warrant.

(Ord. No. 92-0-52, ' 2(100-39), 10-27-92)

Sec. 6-59. Resisting an officer.

Any person hindering or attempting to hinder, resisting or attempting to resist the building official or any duly authorized inspectors in the performance of their duties shall be guilty of a misdemeanor and be charged with resisting an officer of the village.

(Ord. No. 92-0-52, ' 2(100-40), 10-27-92)

Sec. 6-60. Jurisdictional cooperation.

The assistance and cooperation of all departments of the village, all departments of the county and all other officials of all other public agencies shall be rendered to the building officials and all duly authorized inspectors in the performance of their duties.

(Ord. No. 92-0-52, ' 2(100-41), 10-27-92)

Sec. 6-61. Violations.

- (a) *Unlawful acts.* It shall be unlawful for any person to erect, construct, alter, extend, repair, replace, remove, demolish, move, use or occupy any building, structure, equipment, device or system regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code, or any other applicable ordinance of the village or other agencies of jurisdiction.
- (b) *Notice of violation.* The building official shall serve a written notice of violation, or order to comply, upon the person responsible for the erection, construction, alteration, extension, repair, replacement, removal, demolition, moving, use or occupancy of any building or structure performed in violation of the provisions of this code, or in violation of any approved document or plan filed with the village to secure a building permit, or in violation of any provisions of the issued permit or certificate issued under the provisions of this code or in violation of any applicable ordinance, statute or law of the village or any other agency having legal jurisdiction over the performance of the work being done. Such notice of violation, or order to comply, shall direct the discontinuance of the illegal action or condition and the abatement of the violations, and shall provide a time period for discontinuance or abatement which is appropriate for the condition.
- (c) *Prosecution of violations.* If the notice of violation is not complied with promptly, the building official shall issue a stop work order as provided for in section 6-62. The stop work order shall not be rescinded until all violations complained of have been corrected and the fee as provided for in section 6-90(i) has been paid. If the permittee or his agents refuse or are unable to correct the violations, the building official shall request the village attorney to institute the appropriate proceedings at law or in equity to restrain, correct or abate such violations or to require the removal or termination of the unlawful act complained of in the violation notice.
- (d) *Violation penalties.* Any person who violates any of the provisions of this code or

other applicable ordinances of the village, who disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this code, applicable village ordinances, the approved plans and documents of the building permit, or any certificate or other permit issued under the provisions of this code, shall be guilty of a misdemeanor, and upon conviction by a court of jurisdiction shall be punished as provided in section 1-12 for each offense plus the cost of prosecution, and each day upon which such violation continues shall be deemed a separate offense.

- (e) *Abatement of violations.* The imposition of the penalties prescribed in this section shall not preclude the village attorney from instituting appropriate action in a court of jurisdiction to prevent unlawful construction or to restrain, correct or abate a violation or to prevent illegal occupancy of a building, structure or premises or to stop an illegal act, conduct, business or use of a building or structure on or about any premises. If the Village prevails in such an action the party whom such action is commenced shall, in addition to any fines and penalties imposed by the court, also be responsible for the payment of any attorney's fees and costs incurred by the Village in commencing and pursuing such action.

(Ord. No. 92-0-52, '2(100-52), 10-27-92)

Sec. 6-62. Stop work order.

- (a) *Authorization.* The building official is authorized to issue and post stop work orders to stop work on any building, structure or premises under the following violations: when work is being done without a building permit; when false or incomplete information has been given to obtain a permit; when a permit has been issued but the check for payment of the permit fees has been refused by the permittee's bank; when work is being prosecuted contrary to the provisions of this code or other applicable village ordinances.
- (h) *Issuance.* The stop work order shall be in writing and shall be given to the permittee, his agent or the person doing the work, with a copy to the police department, and a stop work order posted on the premises. All work shall stop immediately upon posting the stop work order on the premises in a prominent place facing the principal street.
- (c) *Unlawful continuance.* Any person, other than the building official, who shall unlawfully remove the stop work order or continue any work in or about the building, structure or premises after a stop work order has been served and posted shall be stopped and/or arrested by the police of the village and charged with violation of this section and shall be subject to prosecution and fines as provided in section 6-61(d). As the responsible party in charge of work on the premises, the owner or his agent may also be served with notice of violation and be subject to all stop work orders. The building official, with written notice to the village police department, shall set forth the conditions under which permission will be given to

proceed with the remedial actions necessary to correct the safety hazards, code violations or other defects complained of in the stop work order.

- (d) *Removal of stop work order.* The stop work order shall be removed only when the building official is satisfied that the safety hazards have been rectified, that the violations have been corrected, the building permits have been issued, and that such other action has been taken or is forthcoming to resolve the original complaints, and that proper cash bonds or other guarantees have been filed with the village. Upon payment of the required fee, as provided in section 6-90, written release of the stop work order shall be given to all parties who had previously received the original stop work order. The stop work order shall then be removed by the building official and the work may proceed.

(Ord. No. 92-0-52, '2(100-53), 10-27-92)

Sec. 6-63. Unsafe structures and premises.

- (a) *Generally.* All structures and premises that are or shall become unsafe, unsanitary or deficient in adequate exit facilities, or which constitute a fire hazard, or constitute an attractive nuisance, or are otherwise dangerous to human life, safety or the public welfare, shall be deemed unsafe buildings, structures or premises. All unsafe buildings or structures shall be taken down and removed, in whole or in part, or made safe and secure, as the building official may deem necessary and as provided in this code. A vacant building with unguarded or open doors, windows or other openings and accessible to the general public shall be deemed an attractive nuisance and a fire hazard and unsafe within the meaning of this code. Premises with open wells, pits or shafts, shall be filled in and made safe.
- (b) *Examination and record.* The building official shall examine every building, structure and premises reported as dangerous, structurally unsafe, an attractive nuisance, constituting a fire hazard or otherwise dangerous to the safety and welfare of the general public, and prepare a report of his findings.
- (c) *Notice of unsafe conditions.* If an unsafe condition is found in a building, structure or premises, the building official shall serve written notice on the owner, the owner's agent or the person in control of the building, structure or premises, describing the unsafe conditions found and specifying the required repairs, improvements or actions to be taken to render the building, structure or premises safe or secured, or requiring the unsafe building or structure or portion thereof to be demolished or such action as is necessary to remove the hazard within a stipulated time. Such notice shall require the person thus notified to immediately declare to the building official acceptance or rejection of the terms of the order.
- (d) *Restoration.* A building or structure condemned by the building official may be restored to a safe condition provided that if the cost of repair or reconstruction is in excess of fifty (50) percent of the fair market value, the building or structure

shall be made to comply in all respects with the provisions of this code, chapter 26, Zoning, and all other applicable laws and ordinances for the construction of a new building or structure.

- (e) *Posting unsafe notice.* If the owner, owner's agent or person in control of the building, structure or premises cannot be found, after diligent search, then the notice of unsafe conditions shall be sent by registered or certified mail to the last known address of such person, and a copy of the unsafe notice shall be posted in a conspicuous place on the premises, and such procedure shall be deemed to be the equivalent of a personal notice.
- (f) *Disregard of unsafe notice.* Upon refusal or neglect of the person served with an unsafe notice to comply with the requirements of the order to abate the unsafe condition, the village attorney shall be advised of all of the facts and shall institute the appropriate legal action to compel compliance with the order.

(Ord. No. 92-0-52, '2(100-55), 10-27-92)

Sec. 6-64. Emergency measures.

- (a) *Vacating buildings or structures.* When, in the opinion of the building official, there is an immediate danger of failure or collapse of a building or structure, or any part thereof, which would endanger life, or when any building or structure, in whole or part, has collapsed and life is endangered by the continued occupation of the building or structure, the building official is authorized and empowered to order and require the inmates and occupants thereof to vacate the building or structure forthwith. The building official shall cause to be posted, at each entrance to such building and structure, a notice reading "Danger" and stating that the building or structure is unsafe and its use or occupancy has been prohibited. It shall thereafter be unlawful for any person to enter such building or structure except for the purpose of making the required repairs or of demolishing same.
- (b) *Temporary safeguards.* When, in the opinion of the building official, there is an immediate danger to life, property or the safety of the general public by a collapse or failure of a building or structure, in whole or in part, or by other unsafe conditions on or in the building or structure or the premises, the building official is authorized and empowered to cause the necessary work to be done to render such building, structure or premises or parts thereof temporarily safe and/or inaccessible to the general public, whether or not the legal procedure described in this section has been instituted.
- (c) *Closing of streets and buildings.* When necessary for public safety, the building official shall cause the temporary closing of sidewalks, streets, buildings, structures and places adjacent to such unsafe building or structure, and prohibit the same from being used.

- (d) *Emergency work.* For the purposes of this section, the building official shall employ the necessary labor and materials to perform the required work as expeditiously as possible. Village personnel, materials and equipment are authorized to be used for emergency purposes, whenever practical.
- (e) *Costs of emergency work.* Costs incurred in the performance of emergency work shall be paid by the village on certification of the building official. The village shall bill the owner of the premises for all costs incurred by the village. If the owner of the premises does not, or cannot, promptly pay such bill, the village attorney shall apply to the court for a lien against the property or institute other appropriate legal action against the owner of the premises where the unsafe building, structure or premises is or was located for the recovery of such costs.

(Ord. No. 92-0-52, '2(100-56), 10-27-92)

Secs. 6-65--6-85. Reserved.

Subdivision II. Permits, Inspections and Approvals

Sec. 6-86. Permits--Applications.

- (a) *When required.* It shall be unlawful to construct, enlarge, alter, install or demolish a building or structure; or change the occupancy of a building or structure to an occupancy requiring greater structural strength, exits, fire resistance or sanitary provisions; or to change to another use; or to install, replace or alter any electrical, plumbing or mechanical equipment or systems for which provision is made or the installation of which is regulated by this code, without first filing an application with the building official in writing and obtaining any required permit as determined therefor; except that repairs which do not involve any violations of this code, as defined in section 6-31, do not require permits.
- (b) *By whom application is made.* Application for a permit shall be made by the owner or lessee of the building or structure, or the agent of either, including but not limited to the contractor or licensed engineer or architect employed by the owner or lessee in connection with the work to be done. If the application is made by a person other than the owner in fee, it shall be accompanied by a duly verified statement of the owner or the qualified person making the application, that the proposed work is authorized by the owner in fee and that the applicant is authorized to make such application. The full names and addresses of the owner, lessee, applicant and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application. The owner in fee shall be designated as the Permittee with respect to all permits issued pertaining to any application submitted pursuant to this chapter.
- (c) *Form.* The application for a permit shall be submitted on the building permit application form as supplied by the building division of the village and shall be accompanied by such fees as prescribed in sections 6-89 and 6-90.

- (d) *Description of work.* The application shall contain a general description of the proposed work, its location, the use and occupancy of all parts of the building or structure and of all portions of the site or lot not covered by the building or structure, and such additional information as may be required by the building official.
- (e) *Plans and specifications.* The application for the permit shall be accompanied by not less than four (4) copies of specifications and of plans drawn to scale, with sufficient clarity, detail and dimensions to clearly show the nature and character of the work to be performed. When quality of materials or systems is essential for conformity to this code, specific information shall be given to establish such quality; and this code shall not be cited, or the term "legal" or "its equivalent" be used, as a substitute for specific information. All plans and specifications shall conform to section 6-35, concerning professional architectural and engineering services. The building official may waive the requirement for filing plans when the work involved is of a minor nature. Where application is made for an unusually complex or innovative design or magnitude of construction or where standards referenced in the Model Codes, as adopted in this article, must be extensively applied to determine code compliance, the building official may require that the plan review be conducted by the ICC plan review service or other approved plan review services. With the developer/owner's concurrence, the building official shall forward the plans and specifications to the plan review service, receive and analyze the plan review reports and proceed with normal permit processing. The cost of the plan review, and of department handling and paperwork, shall be paid to the village by the applicant as prescribed in the annual fee schedule.
- (f) *Certificate of survey.* There shall be a certificate of survey prepared, signed and sealed by a qualified land surveyor licensed by the state, showing all boundaries of the property, setback lines, existing structures, if any, and all easements of record submitted with the application.
- (g) *Site plan.*
 - (1) There shall also be submitted a fully dimensioned site plan, drawn to scale in accordance with a plat of survey, showing the size and location of all new construction and all existing buildings, structures, and trees over six-inch caliper (see provisions of chapter 9, pertaining to soil erosion control and tree preservation), if applicable, on the site, distances of the building or structure to all property lines, the existing grades at the corners of the site and at as many other locations as necessary to show the topography of the site. The site plan shall also show the proposed final grades of the top of the building foundation walls and the finished site grades at all corners and at sufficient other points on and off the site to clearly show the intended surface water drainage plan. All parking lots

with the required vehicle parking stalls, all outside lighting, landscaping, utility lines and other required elements shall also be shown on the same site plan for ease of understanding and suitable for submission to the plan commission, appearance review commission and the village board.

- (2) One- and two-family site plans shall show the applicable information with the top of the foundation grade and finished yard grades assigned by the village engineering office where the building is being built in a previously approved subdivision. Scattered building sites shall show the applicable information as required based on the existing buildings and grades as established.
 - (3) For demolition projects, the site plan shall show all buildings and structures to be demolished and the location and size of all existing buildings and structures that are to remain on the site, and shall show all finished grades, stormwater drainage structures and swales to drain the site upon completion of the demolition work.
 - (4) In all cases, a fully developed site plan may be waived by the building official in lieu of a simple plat plan for small building additions, accessory buildings and structures, demolition of minor buildings or structures or other minor projects.
 - (5) In all cases, spot-in surveys are required after the foundation walls have been poured and stripped but before any superstructure is begun to verify the top of foundation wall grade and location on site. See Section 6-125.
- (h) *Engineering details.* The building official may require additional details of structural, mechanical and electrical work to be filed, including computations, stress diagrams, structural calculations and other essential technical data. All engineering plans and computations shall bear the seal and signature of the engineer or architect responsible for the design. Plans for buildings, other than one- and two-family buildings, more than two (2) stories in height shall indicate where penetrations will be made for electrical, plumbing, mechanical and communications conduits, pipes and systems and the materials and methods for maintaining the required structural integrity, fire resistance rating and fire stopping. When the permit application is for an addition to, or the alteration of, an existing building or structure, the building official may require an investigation of the existing structural system, heating, ventilation and air conditioning system, the plumbing system and the electrical system, any or all of the above, by licensed architects, structural or mechanical engineers, to determine the suitability and adequacy of the existing systems or component parts of the system to function properly and safely with the addition of the proposed loads, as contemplated by the permit application, plans and specifications. No permit shall be issued until the suspected systems have been approved and it has been certified that the systems can be safely added on to or modified or that any remedial work

necessary to correct any deficiencies will be done concurrent with the proposed new work. All costs of such investigations shall be paid by the owner.

(i) *Amendments to application.* Amendments or changes may be made to the application or required application plans and other required documents at any time before the permit is issued, provided such changes do not substantially change or alter the project for which application has been made. If such changes do substantially alter the project, the building official may require that a new application be filed with new application documents. Amendments or changes may be made to the plans, specifications and other permit documents at any time during work in progress, subject to prior approval by the building official before such amendments or changes are built into the project. In both cases, it is the responsibility of the owner or owner's agent to file such amendments or changes in a timely manner which provides the official adequate review time. If approved, the amendment or change shall be deemed part of the original application and shall be filed therewith.

(j) *Additional reviews and approvals.* The applicant for a building permit shall also submit his plans, as necessary or required, to the village engineer, the fire department, the state fire marshal, the county health department, the state department of transportation, the county highway department and any other municipal, state or federal agency legally requiring plan review and approval before construction, depending on the requirements of the specific building permit application. Approvals of these additional agencies, as may be required, shall be forwarded to the building official and shall be a prerequisite before the issuance of the building permit.

(k) *Certificate of insurance.*

(1) Certificates of insurance shall be filed with the village by the general contractor, electrical contractor, and, heating ventilation and/or air conditioning contractor which shall accompany the permit applications.

(1) The certificates of insurance shall be from an insurance company approved by the village with at least a B+ rating. The certificate of insurance may cover all work done in the village for the term of the policy. The amounts of insurance coverage required shall be as follows:

Comprehensive general liability	Project cost \$0 to \$ 40,000	Project cost \$40,001 and over
Bodily injury-Occurrence	500,000	500,000
Bodily injury-Aggregate	500,000	1,000,000
Property damage, including		

explosion (X), collapse (C) and underground (U)	500,000	500,000
Excess liability		1,000,000 BI and PD
Worker's compensation insurance	Statutory	Statutory

(3) The issuer of the certificate of insurance shall list the Village of Libertyville as a certificate holder and notify the village a minimum of ten (10) days prior to any cancellation of the insurance policy.

(4) The building official may waive the certificate of insurance requirement for property owners who are listed as permit applicant and general contractor and sign a statement that acknowledges responsibilities and risks inherent with general contracting ;and take out permits to do their own minor alternations to their own building, or to do their own work on their own homes constructing additions, alterations, or accessory structures on private property in owner-occupied one- and two-family premises, depending on the extent of the work to be done.

(1) *Time limitations.* An application for a permit for any proposed construction work shall be deemed to have been abandoned six (6) months after the date of filing, unless such application has been diligently prosecuted or a permit shall have been issued; except that, for reasonable cause, the building official may grant an extension of time not to exceed ninety (90) days. An application shall be deemed to have been abandoned three (3) months after notification has been sent by the building official to the applicant that the permit has been approved and ready to issue and the applicant has not paid all fees and the permit has not been issued. In such cases of abandonment, the applicant shall file a new application and is subject to the then current codes and ordinances of the village.

(Ord. No. 92-0-52, '2(100-14), 10-27-92; Ord. No. 96-0-38, '3, 6-13-96)

Sec. 6-87. Permits--Administrative procedure.

(a) *Issuance.* The building official shall examine or cause to be examined all applications for permits, and amendments thereto, under this division within a reasonable time after filing. If the application, plans or other required documents do not conform to the requirements of all pertinent laws and ordinances, the building official shall notify the applicant of the deficiencies of the application and of any additional information or data necessary to establish that the application will meet the village requirements. When the building official is satisfied that the proposed work as represented by the permit application, plans and documents conforms to the requirements of this code and all laws and ordinances applicable thereto, the building official shall issue a permit as soon as practicable.

- (b) *Expiration.* If, after a permit has been issued, the operations covered by the permit shall not have begun within six (6) months after the date thereof, or if such operations are begun and then suspended or abandoned for a period of six (6) months after the time of commencing work or if such operations are begun and are not completed within one (1) year from the permit date, then such permits shall expire and no operations thereafter shall be begun or restarted or completed until a renewal of the permit shall be obtained. If the permit is not renewed as provided in section 6-90(k), all previous construction, if any, must be removed and the property restored to its original condition and all fees paid therefore shall be forfeited to the village and the permit shall become null and void. Further, if the permittee does not remove all previous construction and restore the property to its original conditions, the village, through and pursuant to authority of court order, its employees or its agents, shall remove same and restore the property and recover its expenses by the filing of a lien on the property, or by any other legal action permitted by law; any such removal or restoration shall be undertaken in a manner authorized by law.

Exception: The Building Commissioner may, however, for just cause, approve three (3) month extensions at no cost for a permit to expire up to eighteen (18) months after the permit issue date.

- (c) *Signature validation.* The building official's signature shall be executed on or attached to every permit to validate the permit, or the building official may authorize one (1) or more inspectors or other employees to validate a permit by affixing their signatures thereto.
- (d) *Approved permit plans.*
- (1) The building official or his designee shall stamp or endorse in writing all sets of approved permit plans, specifications, shop drawings and other required documents with his/her signature and the words reviewed for code compliance." One (1) set of such approved permit plans and documents shall be retained for the permanent property file records of the village and one (1) or more sets shall be returned to the applicant. There shall be a complete set of such approved permit plans and documents at the building site, and open to inspection by the building official or authorized inspectors at all reasonable times during construction. Other sets of approved permit plans shall be forwarded to such other agencies as necessary or required.
- (2) Permit plans are reviewed by the building official with the intent that the plans and specifications comply in all respects to this code. Any omissions or errors on the approved permit plans or the specifications shall not relieve the applicant of his responsibility to comply with all applicable requirements of this code or other agencies legally having jurisdiction.

- (e) *Revocation.* The building official may revoke a permit or approval issued under the provisions of this code for any false statements or misrepresentations of fact in the application or on the plans and other documents on which the permit or approval was based.
- (f) *Approval of part.* The building official may issue a permit for the construction of foundations or any other part of a building or structure before the entire plans and specifications for the entire building or structure have been submitted; provided, that adequate information and detailed foundation or structural plans and calculations have been filed, showing all anticipated loads, and which comply with all pertinent requirements of this code; and further provided, that the building or structure is more than forty thousand (40,000) square feet in area and/or four (4) stories or more in height and that the building or structure is of a nature or a complexity that structural and mechanical plans, calculations and specifications will require an abnormal lead time for proper design. The holder of such permit for foundations or other parts of a building or structure shall proceed with the construction at the permit holder's own risk and without assurance that a permit for the entire building or structure will be granted. The holder of the permit shall sign a statement to that effect and shall accept full responsibility for the proper structural and mechanical mating of the substructure and superstructure. The permit holder shall be responsible for all necessary tear out, repair, replacement or any additional construction work necessary to properly complete the total building or structure. If the building is not completed, then the permit holder shall remove same as provided in subsection (b) of this section.
- (g) *Posting.* The building permit shall be posted in a visible position on the street side of the building under permit during the entire time of the construction operations.
- (h) *Notice of start.* At least twenty-four (24) hours' notice shall be given to the building division before work is started under the issued permit.

(Ord. No. 92-0-52, '2(100-15), 10-27-92)

Sec. 6-88. Permits--Conditions.

- (a) *Payment of fees.* A permit shall not be issued until all fees have been paid.
- (b) *Required subdivision and utilities.* A permit shall not be issued for the construction of any principal building until the village engineer has certified that the property can be properly served with sewer and water mains. The village engineer may release the property for permit if construction improvement plans have been approved and the owner of the property, or his agent, has guaranteed the installation of all required construction improvements with surety bonds or other certified documents acceptable to the village, conforming to the requirements of chapter 22, Subdivisions, and other applicable land development

requirements.

- (c) *Other agency approvals.* A permit shall not be issued until receipt of approval from other required agencies is received by the building division. (See section 6-86(j).)
- (d) *Compliance with code.* The permit shall be a license to proceed with the work and shall not be construed as authority to violate, cancel or set aside any of the provisions of this code, except as specifically stipulated by approved modification or legally granted variations as described in the application and supporting documents.
- (e) *Compliance with permit.* All work shall conform to the approved application and plans for which the permit has been issued and any approved amendments thereto.
- (f) *Compliance with plot plan.* All new work shall be located strictly in accordance with the approved plot plan.
- (g) *Change in site plan.* A lot shall not be changed, increased or diminished in area from that shown on the official approved site plan, unless a revised site plan showing such changes, accompanied by the necessary affidavit of the owner or applicant, shall have been filed and approved by the appropriate village authorities, showing all data previously required on the original site plan.
- (h) *Completion of building or structure.* If the building or structure is not completed, for whatever cause, the incomplete building or structure, including all foundations and other underground installations, shall be removed and the site restored as provided in section 6-87(b).

(Ord. No. 92-0-52, '2(100-16), 10-27-92)

Sec. 6-89. Fees.

- (a) *Generally.* A permit to begin work for new construction, alterations, replacement, removal, demolition, relocation or other building construction operations shall not be issued until the fees prescribed in this section shall have been paid to the village, nor shall any amendment to a permit, necessitating an additional fee, be approved until the additional fee shall have been paid. The building official may waive minimum fees for minor work or inspections.
- (b) *Basis of fees.* The plan review and permit fees shall be based upon the total estimated cost of construction or alterations, as determined by and/or approved by the building official. The term "estimated cost" shall mean the current average fair market cash value of all services, labor, materials, equipment, devices and systems necessary to complete the construction work as described in the application plans and specifications, but shall not include the cost of the land or

underground engineering improvement or interior furnishings.

- (c) *Special fees.* The payment of the fees for the construction, alteration, replacement, removal, demolition, relocation or other building construction operations and for all other work done in connection with or concurrently with the work contemplated by a building permit shall not relieve the applicant or holder of the permit from the obligation to pay all other fees prescribed by law or ordinance, both within and outside the jurisdiction of the building division or to other village departments, divisions or agencies or to other units of county, state or federal government which legally require such fees for their services.

Sec. 6-90. General fee schedule.

- (a) *Plan review fee.*
 - (1) At the time of filing an application for a building permit, there shall be paid a plan review fee in accordance with the schedule set out in the annual fee ordinance. Once the original plan review has been made, only one additional review of minor changes and required corrections shall be accepted at the same fee. Any additional substantial changes shall require an additional plan review (re-review) fee.
 - (2) Plan review fees are waived for the following: outdoor decks, stoops, recreational vehicle pads, satellite dishes, reroofing, storage sheds, fences, residing or other nonstructural exterior envelope changes, fireplaces, demolition of a minor nature, tree removal not requiring a permit, installation of air conditioners, water heaters, water softeners, and other similar accessory uses, installations or repairs. However, each of the above shall be subject to the appropriate additional review (re-review) fees per Annual Fee Ordinance.
- (b) *General permit fees.* The permit fee for the construction or alteration of a building or structure shall be as established in the annual fee ordinance; however, in no event shall the permit fee be less than the minimum as established in the annual fee ordinance.
- (c) *Plumbing, electrical, heating and air conditioning and sign permit fees.* Plumbing fees, electrical fees, heating and air conditioning fees shall be included in the general permit fee. Sign permit fees shall be in accordance with the schedule set out in the annual fee ordinance.
- (d) *Certificate of occupancy fees.* Certificate of use and occupancy permit fees for a building shall be included in the general permit fee.
- (e) *Elevator permit and inspection fees.* Elevator permit and related inspection fees shall be included in the General Permit Fee. Semi-annual inspection fees as set

out in the annual fee ordinance shall be paid semiannually.

- (f) *Demolition permit fees.* The fees for a demolition permit for any part or all of a building and related structures shall be included in the General Permit Fee in accordance with the schedule set out in the annual fee ordinance. The building official may waive the fees, insurance and bonds for minor demolition.
- (g) *Reinspection fees.* A reinspection fee, adequate to reimburse the village for additional expenses incurred, shall be charged on any construction work which, through negligence, incomplete work or poor workmanship on the part of the contractor, makes it necessary for the building official, inspectors or other employees, to make more than one (1) additional inspection of a single phase of construction. The fee for the third and each subsequent inspections after that shall be as established in the annual fee ordinance, and shall be paid before the next reinspection shall be made.
- (h) *Special inspections.* A reinspection or special inspection, other than a reinspection pursuant to subsection (g) of this section, shall be made by the building official or his delegates, at the request of the owner of a building or of a government agency, lending or financial institution at the owner's direction and request, to determine compliance with applicable codes and ordinances of the village. The building official shall give a report of violations found, if any, to such applicant and the owner. Such reinspection or special inspection and report shall be made on application and payment of a fee as established in the annual fee ordinance, not to exceed a maximum as established in the annual fee ordinance for all inspections, to defray the expense of such reinspection or special inspection and the attendant clerical work.
- (i) *Stop work orders.* When it is necessary for the building official to post and enforce a stop work order, the stop work order shall not be removed until a fee as established in the annual fee ordinance is paid to the village by the permittee to defray the additional expenses of posting, removal, forms and clerical work.
- (j) *Work started without permit.* When a developer or contractor or owner begins work without a required permit, he shall be given a notice of violation in writing per 6-61(b) and all illegal work shall stop until the proper permits are issued and the fee established in the annual fee ordinance is paid to the village.
- (k) *Renewal of outstanding permits.* Any building permit issued as provided in this division, which has expired by the terms of section 6-87(b), may be renewed by the payment of an additional fee as follows:
 - (1) If a permit expires by failure of owner or agent to begin construction within six (6) months of the date of issuance of the permit, the permittee must renew the permit within the succeeding six (6) months or all fees paid therefor shall be forfeited to the village and the permit shall become

null and void. A renewal fee as established in the annual fee ordinance shall be paid to the village and the permit shall be renewed for a one-year period commencing from the date of payment of the renewal fee. If the building or structure is not completed within the additional one-year period, no additional renewals of the permit shall be made, except by action of the president and board of trustees.

- (2) If a permit expires by failure of the owner or agent to complete the building within one (1) year after the date of issuance of the permit or prior to the end of approved extensions per Section 6-87.b, the permittee must renew the permit within the succeeding three (3) months or all fees paid therefor shall be forfeited to the village and the permit shall become null and void. Furthermore, the permittee shall be required to restore the property back to its original condition by removing any construction thereon and if the permittee does not or cannot do so, the village, through its employees or its agents, may apply to a court of competent jurisdiction for an order authorizing removal of same and may recover its expenses by the filing of a lien on the property or by taking any legal action permitted by law. A renewal fee as established in the annual fee ordinance shall be paid to the village and the permit shall be renewed for a one-year period, commencing from the date of payment of the renewal fee. If the building or structure is not completed within the additional one-year period, no additional renewals of the permit shall be made, except by action of the president and board of trustees.

- (l) *Cancellation of permits.* If a permit has been issued and all fees have been paid and the permittee wishes to cancel the permit within the six-month period required to begin construction of the building from the date of issuance, but before construction has begun, an amount as established in the annual fee ordinance or a minimum as established in the annual fee ordinance, whichever amount is greater, shall be retained by the village for costs incurred for processing records and all other expenses, except inspection costs. If construction has begun and the permittee wishes to cancel the permit within the first six (6) months after the permit has been issued, the same cancellation fees, as above, shall be retained and the permittee must remove the construction, service the property, and restore the property back to its original condition as provided in section 6-87(b) before the remaining fees are returned. Circumstances not described herein shall be determined by the president and board of trustees upon the request of the building official.
- (m) *Engineering fees.* When required, engineering fees for plan review, permit fees and inspection fees shall be paid at the same time as the building permit fees. A building permit shall not be issued until applicable engineering fees are either paid or waived.

(Ord. No. 92-O-52, ' 2(100-17.5), 10-27-92; Ord. No. 97-O-29, ' 13, 4-22-97) (Ord. No.

Sec. 6-91. Cash bonds--Generally.

- (a) Cash bonds in the amount and for the types of construction as provided in section 6-92 shall be deposited with the village before either a building permit temporary certificate of occupancy is issued which requires such cash bonds. There shall be a nonrefundable bond administration/inspection fee in an amount as established in the annual fee ordinance paid in addition to the cash bond, for the cost of administration and an inspection of the site to verify that all work has been performed in a satisfactory manner with no existing defects, faults or failures; provided, however, that no such fee shall be required for any telecommunications retailer that pays the village infrastructure maintenance fee as provided in chapter 13, article VIII of this Code. No interest shall be paid on any posted cash bond.
- (b) The cash bonds shall be refunded upon written request to the village by the bond depositor of record or its assignee. In order to be effective, an assignment of any bond refund rights granted by this chapter, shall be evidenced by a notarized written assignment of such rights, delivered to the village and executed by the depositor of record which designates the name and address of any person or entity to whom such assignment is made. The request for refund shall list the permit number and the address of the building for which the cash bond was deposited and for which the refund is being requested. The responsible operating departments of the village shall inspect the site, certify that all requirements of the permit have been complied with by the permittee and authorize release of the cash bond through the Finance Department to the depositor of record. Any unapplied portion of such bonds will be returned to the depositor of record or its assignee after satisfactory completion and inspection of the site, including final grading. Cash bonds shall not be returned to the owner of the property for which the cash bond was deposited unless the owner is the depositor of record or the assignee of the depositor of record.
- (c) The cash bonds shall not be refunded if work remains to be done or if the work is substandard and must be redone or corrected or if the permittee has failed to comply with the provisions of the permit.
- (d) If the permittee fails, refuses, or is unable to complete the work or make additional repairs or corrections to work done, the village shall send written notice to the permittee, at the permittee's address as shown on the building permit application, that work or repairs remain to be done. If, after written notice, the work or repair is not satisfactorily completed within thirty (30) days after receipt of notice, the village may, if determined necessary by the Building Commissioner to abate a nuisance or for the protection of the public health, safety, or welfare, cause the work to be completed or the repairs made after utilizing bond funds to renew the permit if needed per Section 6-87b. Payment for the work, repairs and/or renewals shall be deducted from the cash

bonds and any remaining cash balance shall be refunded to the depositor of record or its assignee. If the amount of the cash bonds is not sufficient to cover all costs of the work or repairs, the full amount of the cash bonds shall be forfeited to the village and the permittee shall be billed for the difference. If the bill is not paid, the village shall either lien the property or take whatever legal action is permitted by law. No further permits shall be issued to the permittee until the balance is paid and new cash bonds are deposited.

- (e) Cash bonds shall not be required from any corporation, company or firm for street openings or the laying or servicing of lines in the public right-of-way or easements intended as public utilities, provided there is an existing franchise agreement between the corporation, company or firm and the village in full force, which shall state that full restoration shall be made to all disturbed areas, either equal or better to that which existed prior to the franchisee's construction.
- (f) *Unclaimed cash bonds.* In the event that a bond depositor of record or its assignee has failed to request the refund of a cash bond as provided by section 6-91(b) or if a building permit for which a cash bond has been deposited expires and is not renewed in accordance with this code, the building official shall notify the depositor of record or, where applicable, its assignee, by certified mail, return receipt requested, to arrange for a refund of any unapplied portion of the cash deposit. If, following such mailing, no request for refund is made by or on behalf of the depositor of record or its assignee, the finance department shall retain the unapplied portion of the cash bond for a period of three months from the date of mailing of such mailed notice. Upon the expiration of said three months period, any unclaimed and unapplied portion of the cash bond deposit shall be retained by the village and shall become the property of the village and neither the bond depositor of record nor its assignee shall have any further claim upon such funds.

(Ord. No. 92-0-52, '2(100-18), 10-27-92; Ord. No. 98-O-19, '6, 2-10-98)

Sec. 6-92. Cash Bonds--Purpose and amounts.

Refundable cash bonds shall guarantee the completion of any/all requirements of building permits, temporary certificates of occupancy, and/or conditional temporary occupancies per Sec. 6-98; by providing the village with funds which may be applied by the village to conduct the work which the village is authorized to perform pursuant to 6-91 (d). The refundable cash bonds shall also guarantee the payment for all permit renewal fees per Sec 6-91(d); late plan review fees; inspection fees; required water service upgrades; tree replacement per Sec 9-77c; and correction of any improper installation, damage, or disturbance to public facilities or properties. The applicant shall deposit a cash bond for each and every building permit applicable to and in the amount shown in the following table and shall pay an additional nonrefundable inspection fee in an amount as established in the annual fee ordinance for each and every bond required; provided, however, that no such fee shall be required for any telecommunications retailer that pays the village infrastructure maintenance fee as provided in chapter 13, article VIII of this Code.

<u>Cash Bonds</u>	<u>Amount Required</u>
Temporary Occupancy Bond	See Section 6-98(c)
Conditional Temporary Occupancy Bond	See Section 6-98(d)
Building Permit Bond	See Section 6-93

(Ord. No. 92-0-52, '2(100-19), 10-27-92; Ord. No. 98-O-19, '7, 2-10-98)

Sec. 6-93. Cash Permit -- Building Bond.

(b) A cash "Building Permit Bond" shall be provided to the Village prior to permit issuance for all building demolitions, additions, alterations, and new buildings and structures.

Exception: Projects with no substantial concrete work, projects with the minimum general permit fee, projects with no applicable plan review fees or re-review fee, and other projects of similar minor construction may be waived by the Building Official.

(c) The building permit bond is applicable for use toward plan review, permit, inspection, stop work order, and other fees listed in the annual fee schedule as well as required water service upgrades, tree replacement, landscaping, permit renewals, demolition, etc. In addition, this building bond may be used toward temporary certificate of occupancy requirements.

(d) The permittee shall replenish bond to its original amount each month.

Sec. 6-94 -- 6-95. Reserved.

Sec. 6-96. Legal recourse.

The deposit of any cash bonds required by this subdivision with the village shall in no way prevent the village from taking any and all legal remedies which are permitted to the village by law in the event of code violations or noncompliance, or failure to complete the building according to the permit and the provisions of this code. In no case shall the cash bond be returned to the permittee until all required work is completed and the certificate of occupancy is issued.

(Ord. No. 92-0-52, '2(100-23), 10-27-92)

Sec. 6-97. Inspections.

- (a) *Preliminary inspections.* Before issuing a permit, the building official may examine or cause to be examined all buildings, structures and premises for which an application has been filed for a permit to construct, enlarge, alter, repair, replace, remove, demolish or change the use or occupancy thereof, as provided in section 6-86(h).
- (b) *Required inspections.* After issuing a building permit, the building official shall upon request of permittee or his agent cause inspections to be made during the course of construction to verify that the work conforms with the permit plans and this code. The number and type of inspections shall be determined by the complexity and size of the building structure and by the requirements of this code. A record of all such inspections and of all violations of this code shall be maintained by the building official.
- (c) *Inspection requests.* The permittee or his agent shall give the building division at least twenty-four (24) hours advance notice prior to the date and time that the inspection is being requested. If two (2) or more requests are made for the same time and date, concrete pours will take precedence. Final inspections shall be requested at least five (5) working days prior to the expected date of occupancy, to allow sufficient time for the inspections, for any corrections to be made, reinspection of any corrections and the final documentation preparatory to issuing the certificate of occupancy. All such inspection requests may be called for by telephone or via a mailed written request, so long as the building division receives the proper lead times as specified in this subsection.
- (d) *When inspections are made.*
 - (1) There are four (4) basic inspections, as follows:
 - a. *Footing inspection.* All footings and pier formwork completed with all earth removed, or trench footing/wall dug out and all formwork completed, and before any concrete has been poured.
 - b. *Foundation wall/drain tile inspection.* Upon completion of the foundation walls, stripped of all formwork, with dampproofing applied and all footing drains installed, but before any backfilling has been done.
 - c. *Rough framing inspection.* When all rough structural framing, rough plumbing, electrical and HVAC has been installed, but before any insulation, drywall or other materials have been installed which would hide the rough framing or mechanical systems.
 - d. *Final inspection.* When the building or structure has been completed, including all systems and finishes inside of the building

and all exterior work such as service walks and drives, parking areas, finished grading and landscaping, if any.

- (2) Every new building or structure costing less than ten thousand dollars (\$10,000) shall be inspected at least once during construction, depending on the type of construction.
 - (3) Every new building or additions to existing buildings shall be inspected at least four (4) times.
 - (4) All remodeling or alterations to existing buildings shall be inspected at least two (2) times.
 - (5) Additional inspections may be required depending on the size and complexity of the building or structure. Additional special inspections may be required after permits expire without the project being completed. However, no more than one special inspection per discipline shall be required each month.
- (e) *Work not ready for requested inspections.* If, after an inspection has been requested, the work to be inspected is not completed and is not ready for inspection, the permittee or his agent shall cancel the inspection at least four (4) hours before the requested time and date. If there is no cancellation and the inspection is made and the work to be inspected is not ready for an inspection, a fee as established in the annual fee ordinance shall be required before the reinspection is made, except when unique or unusual situations occur beyond the control of the person requesting the inspection such as but not limited to sudden weather changes prior to a concrete pour or similar situations. If a third or subsequent inspection is necessary to approve that same work, the provisions of section 6-90(g) shall apply.
- (f) *Approved inspection agencies.* The building official may accept reports from qualified inspection and/or testing agencies, which have been previously approved by the building official, to certify the quality of materials, the proper installation of systems and equipment or other criteria required by this code.
- (g) *Plant inspections.* When required by the provisions of this code or by the approved rules, materials and assemblies shall be inspected at the point of manufacture or fabrication by an approved inspection agency and the building official shall be provided with an evaluation, test reports, certifications and similar information and data as necessary for the building official to determine conformance with this code.
- (h) *Final inspection.* Upon completion of the building or structure and before the issuance of the certificate of use and occupancy required in section 6-98, a final inspection shall be requested, as per subsection (c) of this section, and the final

inspection shall be made. The permit holder shall be responsible for requesting final inspections from all departments of the village and the outside agencies whose approval of the original permit application was required. All violations of the approved plans and permit provisions, this code and other applicable laws, ordinances and statutes shall be noted and all corrections shall be made before a certificate of occupancy may be issued.

(Ord. No. 92-0-52, '2(100-34--100-38), 10-27-92)

Sec. 6-98. Certificate of occupancy.

- (a) *New buildings.* A new building or structure, shall not be used or occupied, in whole or in part, until a certificate of use and occupancy shall have been issued by the building official, certifying that the building or structure has been completed in accordance with the approved permit.
- (b) *Altered buildings.* A building or structure enlarged, extended, altered or changed, in whole or in part, shall not be used or occupied in those parts that have been altered until the certificate shall have been issued by the building official certifying that the work has been completed in accordance with the provisions of the approved permit.
- (c) *Temporary certificate of occupancy.* A temporary occupancy certificate, for a period not to exceed thirty (30) days, may be issued where there are only minor items to be completed that, in the opinion of the building official, would not adversely affect the health, welfare or safety of the occupants or the general public. A temporary certificate of occupancy may be issued for completed portions of a building that is still under construction provided that all fire suppression and alarms, mechanical and other systems, ingress and egress, fire rated materials and doors and all common elements are completed and functionable, and, in the opinion of the building official, will not adversely affect the health, welfare and safety of the occupants or the general public. Further, upon completion of the entire building, a final certificate of occupancy shall be required for the entire building and premises, which will include all areas previously issued a temporary certificate of occupancy. There shall be no initial fee for a temporary certificate of occupancy. The renewal fee for such temporary certificate of occupancy, shall be as established in the annual fee ordinance. In addition, a cash bond shall be deposited with the Village per Section 6-91 and the annual fee schedule. This bond shall be used toward temporary occupancy and permit renewal fees with the owner and/or applicant replenishing the bond to its original amount each month. Exception: Occupied buildings, that obtain a remodeling/alteration permit, that have to relocate operations into a finished portion of the project prior to remodeling in another currently occupied area, may divide the project into phases with the fee for the temporary occupancy renewal applicable only to the final phase, provided that work proceeds continuously and a temporary occupancy agreement is secured for each phase prior to any

occupancy. All conditions of (c) above will be in effect for the remainder of the project.

- (d) *Conditional temporary occupancy.* A conditional temporary occupancy will be allowed for the completion of the premises or exterior of a building only when the following provisions have been met and providing that, in the opinion of the building official, the building may be occupied without endangering the health, welfare or safety of the occupants or the general public.
- (1) When adverse circumstances, beyond the control of the permittee, arise such as inclement weather, winter weather, freezing weather, shutdown of material plants, adverse soil conditions or other similar adverse conditions which prohibit the completion of the exterior premises of a building, the building official may permit a temporary occupancy of the building that does not expire until either the next May 1st or when adverse circumstances beyond the control of the permittee and the Community Development Department no longer prohibit completion of the project; provided that a cash bond of sufficient amount to guarantee the completion of all required work shall be deposited with the village, based on the estimated cost of the work remaining to be done; provided also, however, that in no event shall the cash bond be less than the minimum amount established in the annual fee ordinance. Further, the prospective occupants shall sign a waiver to the effect that they acknowledge and accept the conditions prevailing on the premises without complaint.
- (i) The permittee shall fully complete all work remaining to be done within thirty (30) days after weather, soil conditions or other impediments are no longer a delaying factor, or after written notice to complete the work has been issued by the village.
- (ii) If the permittee fails to, or is unable to, complete the required work within the thirty (30) day period temporary occupancy renewal fees will be required as indicated above or the village may, after proper written notice to the permittee, utilize the bond amount to cause the completion of all of the defects to the final certificate of occupancy, refunding the remainder, if any, to the permittee. The building official may transfer the bond designation for use by another village department for use toward completion of that department's permitted work requirements related to and required prior to issuance of the final occupancy permit; If the bond amount is not sufficient to complete the required work, the village will bill the permittee for the balance and the certificate of occupancy shall not be issued until full payment is received. If the bill is not paid, the village shall either place a lien on the property or take whatever legal action is permitted by law. No further permits shall be issued to the permittee until the balance is paid and new cash bonds are deposited.

- (e) *Conditions to issuance.* An unexecuted certificate of use and occupancy shall be filed with the assessor, and the owner of such property shall obtain from the assessor the form prescribed by such official and a receipt showing that the unexecuted certificate of occupancy has been filed and that the property is subject to increased assessment from the date of issue of the certificate on a proportionate basis for the year in which the improvement is completed. The owner of such property shall file such receipt with the building official and a certified copy of the certificate, when issued, shall, on behalf of the village, be filed by the building official with the assessor.

(Ord. No. 92-0-52, ' 2(100-54), 10-27-92; Ord. No. 97-O-29, ' 16, 4-22-97)

Secs. 6-99--6-115. Reserved.

DIVISION 3. TECHNICAL STANDARDS

Subdivision I. General Provisions

Sec. 6-116. Construction code requirements.

All buildings and structures shall be constructed under the provisions of this code, the adopted technical codes contained in this code, chapter 26, Zoning, and such other applicable codes, ordinances and statutes as may be legally adopted by the village and various other agencies having legal jurisdiction over specific aspects of the site and of the construction of the building or structure, and all it contains.

(Ord. No. 92-0-52, ' 2(200.1), 10-27-92)

Sec. 6-117. Conflicts.

Where any requirement of a model code or standard, adopted by the village by reference, conflicts with any requirement contained within the village code, the requirement of the village code shall prevail and shall be applied as the requirement of the village. Where conflicts arise between two (2) or more model codes or standards or authorities, other than the village code, then the more strict and stringent requirement calling for a higher level of performance or installation, a higher quality of material or equipment, or a higher level of safety, shall prevail and shall be applied as the requirement of the village.

(Ord. No. 92-0-52, ' 2(200.2), 10-27-92)

Sec. 6-118. Fire district limits and use groups.

- (a) *Defined.* The fire district limits for this code are hereby defined as being those areas of the village that are zoned I2, I3, C1, C2, C3, C4, C5, and residential buildings containing four (4) or more dwelling units in R-7 and R-8 zoning

districts and in planned unit developments, as set forth in chapter 26, Zoning, and the zoning map of the village.

- (b) *Restrictions.* All buildings and structures and additions to existing buildings and structures erected within the fire districts limits shall be of type I (IA and IB), type II (IIA, IIB), type IIIA and type IV construction, as defined in the International Building Code, as adopted and regulated in section 6-161, and table 601 therein. In all cases, new buildings, structures and additions to existing buildings and structures, which require a higher fire rating, as provided by the International Building Code, as adopted in section 6-161, shall comply with the higher fire ratings and protected openings.

(Ord. No. 92-0-52, ' 2(200.3), 10-27-92)

Sec. 6-119. Handicapped accessibility standards.

The requirements for handicapped accessibility for buildings and structures shall be the Illinois Accessibility Code as published by the Capital Development Board of the state, April 1997 edition and subsequent amendments, per state statute.

(Ord. No. 92-0-52, ' 2(200.4), 10-27-92)

Sec. 6-120. Limitation on construction hours.

There shall be no construction work, material hauling or construction equipment start-up before the hour of 7:00 a.m., nor shall construction work continue past the hour of 6:00 p.m. There shall be no construction work on Sunday before the hour of 12:00 noon.

(Ord. No. 92-0-52, ' 2(200.5), 10-27-92)

Sec. 6-121. Protection of existing curbs, gutters, street surfaces, public sidewalks and public parkways.

All curbs, gutters, street surfaces, public sidewalks and public parkways shall be protected by planks, crushed stone or other approved methods or materials before any trucks, heavy equipment or earth-moving equipment may cross from the public street to private property. Prior approval of the means of protection of the public property shall be obtained from the village engineer. After all operations have been completed, all construction materials shall be removed and all public and private property shall be restored back to an equal or better than original condition. Any cracked or damaged curb, gutter or sidewalk, or necessary restoration of the street surface and/or the parkway, shall be replaced or repaired to the satisfaction of the Public Works Department, Engineering Division, at the contractor's/owner's expense.

(Ord. No. 92-0-52, ' 2(200.6), 10-27-92)

Sec. 6-122. Construction debris. There shall be dumpsters of sufficient number and capacity

on the construction site to contain any construction debris, which shall be promptly replaced when full. The general contractor or the primary trade, if there is no general contractor, shall be responsible for keeping the construction site clean and free of scrap materials, boxes, paper or other construction debris and shall prevent and/or clean up any debris deposited or wind-blown onto any other abutting private or public property. Open burning of construction debris is prohibited. Prior to issuance of a permit for demolition or new construction of a principal structure the permit Applicant/Owner shall enter into a contract with a Trash Dumpster Re/placement Contractor to provide trash dumpster re/placement services, as needed to comply with this section and shall provide the Village with a copy of said Contract. In the event that the Trash Dumpster Re/placement Contractor fails to provide necessary trash dumpster re/placement services during construction or demolition operations, the Village may, without further notice to the Applicant/Owner arrange for the Trash Dumpster Re/placement Contractor listed on that contract or any other company contacted by the Village to provide such reasonably necessary trash dumpster re/placement services and to charge the Applicant/Owner for any expenses incurred by the Village in connection therewith.

(Ord. No. 92-0-52, '2(200.7), 10-27-92)

Sec. 6-123. Protection of public streets, sidewalks and public property.

Public streets and sidewalks must be kept open to traffic at all times and shall be kept clean and free of mud, stones and other construction materials and debris resulting from any construction activity. Parking of equipment, trucks and workers's vehicles must be done in such a manner as to permit reasonable two-way traffic on the streets and to permit ready passage of emergency vehicles. Where the street is too narrow to permit two (2) lines of parking plus two moving lanes, parking of vehicles will be limited to the side of the street opposite of the fire hydrants, so the fire hydrants are accessible for emergencies. Existing sidewalks shall be kept clean and in good repair or bridged in an approved manner to permit the general public to freely and safely use the sidewalks. There shall be no storage of any construction materials whatsoever in the public streets and rights-of-way. All mud and other debris deposited on the streets by any construction work or by any construction equipment, vehicles or by any material delivery trucks shall be cleaned up as necessary and required during the working day and by the end of each working day. The building official may stop the construction work in progress if this section is not complied with, ignored or is consistently violated, and/or the issuance of tickets by the police department is authorized. .

(Ord. No. 92-0-52, '2(200.8), 10-27-92)

Sec. 6-124. Building access.

There shall be approved and safe access to the building and to each and every level or floor within the building. Ladders shall extend at least forty-two (42) inches above the floor level which they serve. Ladders or temporary stairs shall be supplied by the contractor for all rough plumbing, electrical and building inspections and all subsequent inspections thereafter, or the inspections cannot be made, nor can the work to be inspected be approved. Board or plywood ramps shall be provided from the curb to the building, during inclement weather, for access to the building prior to an inspection being made.

(Ord. No. 92-0-52, ' 2(200.9), 10-27-92)

Sec. 6-125. Spot-in survey.

After the foundation walls have been poured and stripped, a spot-in survey shall be made by a state-licensed and certified land surveyor, which shall precisely locate the entire as-built foundation footprint on a certified plat of survey, showing all horizontal dimensions from the foundation to all property lines and to other buildings or structures on the property, if any, and shall show the USGS datum elevation of the top of the foundation wall.

If the foundation wall has any steps, up or down, each step elevation shall also be shown. The benchmark used for the survey shall be the reference benchmark provided by the village engineer at the time that the building permit was issued. The building official shall be provided with two (2) copies of the completed spot-in survey. No framing or other superstructure construction shall begin until the spot-in surveys have been received, reviewed and verified by the village that the location of the foundation and the elevation of the foundation walls do conform with the approved permit plans.

(Ord. No. 92-0-52, ' 2(200.10), 10-27-92)

Sec. 6-126. Water used in construction.

All water used in construction or landscaping of the site shall be metered. Metering may be through the installation of the building meter, as approved by the plumbing inspector, or by a village hydrant meter, installed and turned on by the public works department, streets and utilities division. A hydrant meter is available from the public works department, streets and utilities division with the posting of a refundable cash bond of five hundred dollars (\$500.00). No fire hydrant shall be opened by any unauthorized person for any reason and the unauthorized use of a fire hydrant will subject that person to arrest and to a fine of two hundred dollars (\$200.00) for each violation, with each day of illegal use of a fire hydrant constituting a separate violation. Water is also available for tanker truck filling at the public works building.

(Ord. No. 92-0-52, ' 2(200.11), 10-27-92)

Sec. 6-127. Water meter placement.

Water meters shall be installed in locations where they are readily accessible without the use of ladders or crawl holes and shall not be behind obstacles, with sufficient working space around the meters to remove, replace or repair the meter. Open basements, utility rooms or mechanical rooms are approved locations. Meters shall not be placed in crawl spaces or ceiling spaces or framed in with walls or partitions with only a crawl hole access panel. The water meter readout shall be installed at an approved location with a hard-surfaced approach, in a readily visible position. An approved raceway (one half inch EMT conduit) shall be provided for the wiring from the meter to the readout. Connecting wires shall not be exposed on the outside of the building.

(Ord. No. 92-0-52, ' 2(200.12), 10-27-92)

Sec. 6-128. Sanitary toilet facilities.

Approved sanitary toilet facilities for construction workers shall be provided on all new building or other construction sites where functioning toilet facilities are not readily available. The person in charge of the construction shall provide adequate numbers of toilet facilities within a maximum distance of two hundred (200) feet from the building under construction. The toilet facilities shall be in place on the site at the time that the first building inspection is made or no further work on the building will be permitted until this requirement is met. Toilet facilities shall not be placed in any front yards unless located behind a construction fence or screened, nor shall toilet facilities be in a location which may create a nuisance to adjacent properties.

(Ord. No. 92-0-52, ' 2(200.13), 10-27-92)

Sec. 6-129. Underground utility inspections.

Footing drains, tiles, sump pump lines, sanitary sewers, water services, underground tanks and their piping and all other underground facilities installed by the permittee must be inspected by the appropriate village inspector prior to concealment or backfilling or the uninspected work shall be required to be dug up and exposed for the required inspections.

(Ord. No. 92-0-52, ' 2(200.14), 10-27-92)

Sec. 6-130. Foundation systems.

- (a) *Required.* All foundation systems shall extend a minimum of 42” below grade for all new buildings and structures and additions to existing buildings and structures, and they shall be constructed of separately formed, poured concrete spread footings and foundation walls which shall comply with the requirements of the International Building Code and International Residential Code as applicable and as adopted.
- (b) *Additions or attachments to existing buildings.*
 - (1) There shall be a full foundation system supporting any proposed additions or attachments to any existing building or structure, which shall be tied into the existing foundation according to accepted engineering practice, but in no case less than one-half-inch steel dowels, on one-foot centers, wherever the new foundation system intersects the existing foundation.
 - (2) Additions or attachments to the principal building shall fall under all codes and ordinances governing the principal building.
- (c) *Underpinning of existing foundation system.* Where a proposed addition or

attachment to an existing building or structure will have a foundation system or floor level below the existing building's foundation system, an underpinning plan shall be submitted, prepared by an architect or structural engineer, licensed by the state, which shall clearly show the details of the methods to be used by the contractor during the underpinning operation. The location of adjacent buildings or structures, either on the same premises or on abutting premises, shall be shown on the required underpinning site plan.

- (d) *Exterior porches, platforms and stairs.* Porches, platforms and stairs which support walls and/or roof loads shall be provided with a foundation system, as provided in section 6-130, under all sides and shall be formed and poured with the building's foundation system. Open porches, platforms and stairs which do not support any walls and/or roof loads may be supported by wing walls that are formed and poured with the building foundation walls which shall be tied back into the foundation walls with at least two (2) one-half-inch rebars extending from the foundation wall into the top four (4) inches of each wing wall. All exterior concrete platforms and stairs supported by wing walls shall be anchored to the abutting building foundation wall, with one-half-inch rebars on a minimum of two (2) feet on center, extending from the foundation wall into the concrete platform or uppermost stair tread.

Exception 1: Any approved roofed over exterior porch/landing with a roof area 30 square feet or less and not greater than 6 feet in any one dimension may be supported by approved piers below the frost line.

- (e) Trenched combination footing and foundation walls. In lieu of separately formed and poured footings and foundation walls, trenched combination footings and foundation walls may be approved for one-story, slab on grade floors, all wood frame construction, residential room additions of not more than twenty (20) feet in any dimension or over four hundred (400) square feet in total area and for accessory buildings and structures of not more than twenty-four (24) feet in any dimension or over five hundred seventy-six (576) square feet in total area, consistent with recognized engineering practices, provided that the following requirements are complied with:
- (1) Trenched combination footings and foundation walls may only be used in cohesive soils such as clay, where the walls of the trench shall be square cut in a straight line to afford proper bearing for the superstructure walls to be built on top of it and where the trench walls will support themselves without flaking off into the trench during the concrete pour.
 - (2) The minimum width of the trenched combination footings and foundation walls shall be at least eight (8) inches, with a minimum of eight (8) inches of the wall extending above the finished grade and forty-two (42) inches extending below the finished grade. There shall be a minimum of

three-thousand-pound-per-square-foot bearing soil at the bottom of the trench. Adjustments to the foundation wall width and/or the use of steel reinforcement shall be made for bearing soils of less than three thousand (3,000) pounds per square foot and/or unforeseen soils problems. Trenched combination footings and foundation walls shall not be permitted when the bearing capacity of the soil is less than two thousand (2,000) pounds per square foot or if there is filled ground at the bottom of the trench or other major bearing problems. In all cases, the bottom of the trench shall be square cut and level, and free of loose dirt or other debris. All other concrete construction details shall conform with the ICC International Building Code, as adopted in section 6-161 and the ICC International Residential Code, as adopted in Section 6-211.

Exception: Trenched combination footings and foundations are permitted in cohesive soils when designed by an Illinois licensed Architect or Structural Engineer and installed consistent with a soils analysis, report, and recommendation by an Illinois licensed Soils Engineer. In addition the excavation shall be inspected and approved by the Soils Engineer, Structural Engineer and/or Architect with a copy of all his reports submitted to the Village of Libertyville, Building Division.

(Ord. No. 92-0-52, ' 2(200.17), 10-27-92) (Ord. No. 92-0-52, ' 2(200.16), 10-27-92) (Ord. No. 92-0-52, ' 2(200.15), 10-27-92)

Sec. 6-131-134. Reserved.

Sec. 6-135. Nonrequired systems, devices and/or materials.

Nonrequired systems, devices and/or materials which are proposed to be constructed into a building or structure at the voluntary election of the owner or owner's agent, such as, but not limited to, fire suppression systems, fire alarm systems, special electrical, plumbing, HVAC and/or communications systems, fire rated assemblies, nonrequired stairs and other such installations, shall be installed according to the appropriate codes and standards for the installation of required systems, devices and/or materials. This section shall not be construed to prevent conformance with specific requirements of other Codes and/or standards such as the Americans with Disabilities Act. (A.D.A.)

(Ord. No. 92-0-52, ' 2(200.20), 10-27-92)

Sec. 6-136. Dwelling unit security devices.

- (a) *Definitions.* The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Cylinder guard means a hardened free-turning steel ring surrounding the exposed

portion of the lock cylinder and is so fastened as to protect the cylinder from wrenching, prying, cutting or pulling by attack tools.

Cylinder spring dead latchset means a latching device and strike plate which is positively held in deadlatch position when the door is closed by means of an integral slide trigger mechanism. The complete lockset shall consist of a pin or wafer tumbler cylinder, operated by a key from the outside and a knob, thumb turn or lever handle from the inside.

Deadlatching lockset means a latching device and strike plate which is positively held in deadlock position when the door is closed by means of an added integral slide trigger mechanism. The complete lockset shall consist of a knob on both sides of the door and shall be locked or unlocked by a pin tumbler or disc wafer key from the outside and turn button from the inside.

Door closer means an approved device or spring-loaded hinge that automatically closes an open door.

Panicfree double lockset means a high-security lockset with a standard deadlatching lockset below a high-security, single-cylinder deadlock above with a one-inch-throw deadbolt and cylinder guard. Both deadlatch and deadbolt are retracted simultaneously by single action of the interior knob for panicfree escape during emergencies.

Security strike means a heavy gauge steel strike plate with four (4) off-centered screws at least two and one-half (2 1/2) inches long permitting full penetration through the jamb and into the rough buck, with approximate dimensions of three and five-eighths (3 5/8) inches by one and one-fourth (1 1/4) inches.

Single-cylinder deadlock means a bolt which has no automatic spring action and which is operated by a pin or wafer tumbler cylinder key from the outside and a thumb turn or lever on the inside and is positively held fast when in the projected position.

Solid core door means a door which shall have a nominal one-and-three-fourths inch thickness of solid wood or a core of approved material with a veneer surface on all sides and edges. Where a twenty-minute-rated fire door is required, an approved solid core door and a rabbeted jamb or comparable twenty-minute-rated jamb completes the door and door frame assembly.

- (b) *Generally.* All doors and windows, in all new dwelling units or additions to existing dwelling units, shall be provided with minimum security devices as provided in this section. No security device shall require a key or other special tools to open the locking device from the inside. All such locking devices shall be easily and readily opened from the inside with a panicfree, single-action turning knob, thumb turn, lever handle or other approved unlatching method, which

simultaneously retracts the deadbolt, deadlatch or other locking system for panicfree escape from the dwelling unit in the event of an emergency. Double-cylinder deadlocks, where a key must be used on both sides of the door lock to open, are not permitted. Exception: Key operation may be permitted from a dwelling unit provided that the key cannot be removed from the lock when the door is locked from the side from which egress is to be made.

(c) *Single-family detached and single-family attached dwellings.*

- (1) *Exterior doors.* All exterior doors in single-family detached and single-family attached dwellings shall be solid core doors and doors leading from an attached garage into the dwelling shall be a solid core door and rabbeted frame assembly or a twenty-minute fire door and frame and shall be equipped with deadlatching locksets having a minimum throw of one-half inch and separate single-cylinder deadlock with a one-inch throw, or other equal or better locksets and deadbolts. All locking devices shall have a security strike and free-turning cylinder guard to protect the lock cylinder. The separate deadlatching and single-cylinder deadlock may be combined into a panicfree double lockset. Outward swinging doors are permitted providing that the door hinges are on the inside and cannot be tampered with or the hinge pins removed.
- (2) *Sliding glass patio doors.* Each sliding glass door unit shall be constructed and installed so that when it is in the locked position it can withstand a force of three hundred (300) pounds applied in any direction to any nonglazed portion of the door without disengaging the lock or allowing the door to be opened, lifted out of its track, or otherwise removed from the door opening. Mounting screws for the locking devices shall be inaccessible from the outside.
- (3) *Windows.* Windows shall be constructed so that they cannot be lifted out from the frame while in a locked position. Window locking devices shall be capable of withstanding a force of one hundred fifty (150) pounds applied in any direction.

(d) *Multiple-family dwellings.*

- (1) All entrance doors into each multiple-family dwelling unit shall be side-hinged, fire-rated doors with an approved door closer, all complying with the International Building Code, as adopted in section 6-161, and have a one-way viewing device from the inside.
- (2) Multiple-family dwelling unit entrance doors shall be equipped with a deadlatching lockset having a throw of one-half inch and a separate single-cylinder deadlock with a one-inch throw. All locking devices shall have a security strike and a free-turning cylinder guard to protect the lock cylinders. The separate deadlatching lockset and the single-cylinder

deadlock may be combined into a panicfree double lockset.

- (3) When locking devices are provided, common entrance doors into common corridors and stairways shall be equipped with deadlatching locksets with a knob turn release from the inside and shall meet all other provisions of this subsection (d) of this section and the International Building Code, as adopted in section 6-161, for fire rating and panicfree escape.

(Ord. No. 92-0-52, ' 2(200.25), 10-27-92)

Sec. 6-137. General provisions for one- and two-family dwellings.

Applicable regulations.

(a) The applicable construction regulations as contained in this code, the International Residential Code as adopted in Section 6-195, the International Property Maintenance Code, as adopted in section 6-341, the Illinois State Plumbing Code, as adopted in section 6-190, and the National Electrical Code, as adopted in section 6-281, shall control all matters concerning the construction, alteration, addition, repair, replacement, demolition, use, location, occupancy and maintenance of all one- and two-family detached buildings, attached single-family buildings and residential accessory buildings and structures and shall apply to existing and proposed buildings and structures, except as such matters are otherwise provided for in this code, chapter 26, Zoning, or other ordinances or statutes having jurisdiction.

(b) Any additions or attachments to the principal building become part of the principal building and all codes and ordinances governing the principal building shall apply. Exception: Deck - See definitions 2-2 of the Zoning Code Ordinance 95-O-08.

(Ord. No. 92-0-52, ' 2(200.26), 10-27-92)

(Ord. No. 92-0-52, ' 2(200.29), 10-27-92)

Sec. 6-141. Reserved.

Sec. 6-142. Accessory buildings and structures.

(a) *Storage shed/playhouses.*

- (1) Storage sheds may be wood or metal, but must be of a finished exterior design which is comparable in appearance with the other buildings in the neighborhood. Pre-engineered, manufactured sheds of one hundred twenty (120) square feet or less may be approved by the building official without

a foundation system or a concrete floor, provided that the shed has been designed as a structurally self-supporting unit, with adequate anchorage into the ground, by an approved method, to prevent uplift or overturning by high winds. Storage sheds that are framebuilt on the site shall comply with the construction requirements of detached, single-family garages, or better.

- (2) Storage sheds with an area of more than one hundred twenty (120) square feet but less than or equal to two hundred thirty (230) square feet shall be provided with an approved foundation and tiedown system or a minimum of a four sided grade beam slab on grade foundation which is a minimum of 8" below grade, 8" above grade, 8" wide at the base to a 45 degree angle to the bottom of the 4" minimum slab on a minimum 4" gravel base. Add a minimum 6" x 6" #10 wire to the center of the slab into the thickened edges. Anchor bolts shall be placed in the perimeter of the grade beam assembly or trench wall as required for a detached, single-family garage.

- (b) *Fire protection.* Any accessory structure that is within ten (10) feet or less to the principal building or less than five (5) feet from any property line shall have encroaching interior walls and roof structure of the structure protected with drywall, but in no case shall the structure be closer than three (3) feet to any other building or structure for maintenance and walkways.

Exception. Pre-manufactured drop-in-place portable sheds 32 sf or less in area and less than 5 ft high.

- (c) *Wood decks above grade.* All structural lumber, beams, wood deck flooring and other appurtenances shall be constructed of lumber that has received preservative treatment by the pressure process to prevent decay and rot. Framing and fasteners/connectors shall comply with this code and recognized engineering practice. Piers shall be a minimum of eight (8) inches in diameter of poured concrete, with level bottom, forty-two (42) inches below grade; however, all pier diameters shall be designed for actual loads and soil bearing properties at the bearing level. Approved post anchors shall be embedded in the concrete to receive the minimum 4 X 4 inch posts or larger, depending on actual loads. Hand rails and boards shall be provided along open-sided floors, decks, landings and stairs which are more than three (3) risers or eighteen (18) inches above a floor or grade level below.
- (d) *Gazebos.* Open-sided or screened gazebos with an area of two hundred thirty (230) square feet or less may be supported on piers, either as part of a deck structure or a freestanding structure. Open-sided gazebos more than two hundred thirty (230) square feet or any gazebos with closed sides shall be supported by an all-sided trench footing/foundation system as required for a detached, single-family garage. See section 6-132. Requirements for pressure-treated wood,

framing, piers and connectors shall be the same as provided for in subsection (c) of this section. Open-sided, wood frame gazebos shall be separated from the principal building and other accessory buildings by a ten-foot fire separation.

- (e) *Fences.* Any new or existing fences shall be kept in a structurally sound, upright condition and shall be maintained so as not to become a nuisance or eyesore to the neighboring properties.
 - (1) Any standard fencing material may be used for construction of a fence, such as chainlink, wood boards, pickets, split rails, stockade or approved brick or decorative masonry.
 - (2) No fence shall be topped with sharp-edged or spiked materials such as broken glass or barbed wire, nor shall electrically charged fencing be used. Exceptions are as follows:
 - a. Standard picket fences.
 - b. Security fences in nonresidential zoning districts, which may be topped with a single arm of barbed wire provided that the fence is stepped back at least five (5) feet from all property lines or other permitted location setback lines but not in any required front yards, with the barbed wire supporting arm angled into the premises at the maximum fence height of six (6) feet, six (6) inches, over grade.
 - (3) Where the contour of the land contains abrupt changes of grade, the fence may follow the contour of the ground or may be stepped with the maximum fence height measured over grade as an average for an eight-foot linear section of fence.
 - (4) There shall be at least one (1) three-foot gate or permanent opening in any fence which fully encloses an area.
 - (5) No fence shall be erected in any drainage easement or swale if, in the judgement of the building official or village engineer, such fence will restrict the flow of stormwater through the easement or swale.
 - (6) Fences shall be erected with the fence posts and any rough or unfinished side of the fence facing toward the interior of the premises on which the fence has been constructed.
- (f) Satellite earth stations. See section 26-258.

(Ord. No. 92-0-52, '2(200.31--200.33), 10-27-92)

Secs. 6-143--6-160. Reserved.

Subdivision VIII. International Residential Code.

Sec. 6-195. Adopted.

The 2015 International Residential Code, including Appendix F: Passive Radon Gas Controls, and Appendix K, Sound Transmission, as published by the International Code Council, shall be and is adopted as the regulations for the construction, alterations, additions, repair, replacement, removal, demolition, use, location, occupancy and maintenance of all buildings and structures, for one and two family dwellings and townhouses, their accessory structures, utility and service equipment, with the deletions, additions and modifications as set forth in this subdivision, as the one and two family residential building code of the village.

State law reference(s)BAAdoption by reference, 65 ILCS 5/1-3-1 et seq., 50 ILCS 220/1 et seq.

Sec. 6- 196. Conflicts with village code.

Where any requirement of the International Residential Code, as adopted in section 6- 195, conflicts with any requirement contained within this Code, the requirement of this Code shall prevail and shall be applied as the requirement of the village.

(Ord. No. 92-O-52, '2(300.2), 10-27-92)

Sec. 6 197. Conflicts with adopted codes or standards. Where any requirement of the International Residential Code, as adopted in section 6- 195, conflicts with any requirement contained within that code or in other adopted codes or in referenced national standards other than this Code, then the more strict and stringent requirement, that provides for a higher level of performance or installation, a higher quality of materials or equipment or the requirements securing the greater public safety shall prevail as the requirement of the village.

Sec. 6- 198. Deletions, Additions and Modifications. The following chapters and sections of the-International Residential Code as adopted in Sec. 6-195 are hereby revised as follows:

Chapter 1. Administration. Delete Chapter 1 in its entirety. See Divisions 1 and 2 of Article II Building Code, of Chapter 6 of the Municipal Code, which shall be substituted in their entirety.

Chapters 25 through 33 are to be used in conjunction with Subdivision VII Illinois Plumbing Code of Division 3 of Article II Building Code of Chapter 6 of the Municipal Code.

Part VIII. Electrical. Delete Chapters 34 through 43 in their entirety. See Article III Electrical Code of Chapter 6 of the Municipal Code, which shall be substituted in their entirety.

R301.2. Climatic and Geographic Design Criteria.

- (1) Add the following sentence: Design snow loads and roof live loads shall not be less than thirty (30) pounds per square foot.

(2) Amend Table R301.2 (1) as follows:

Ground Snow Load:	30 psf
Wind Speed (mph):	115
Topographic Effects:	No
Special Wind Region:	No
Windborne Debris Zone:	No
Seismic Design Category:	A
Subject to Damage From:	
Weathering:	Severe
Frost line depth:	42"
Termite:	Moderate-Heavy
Winter Design Temp:	-4E
Ice Shield Underlayment Required:	Yes
Flood Hazard:	January 1980/September 1997 and September 2013
Air Freezing Index:	1687
Mean Annual Temp:	47.6E

R301.5 Live Load. . Revise Table R301.5 Habitable attics and sleeping rooms live load shall be 40.

Table R302.6 Dwelling Garage Separation. Change "1/2 inch" to "5/8 inch firecode" in all locations

R309.6. Service Doors. Every detached garage shall be provided with a minimum 30" wide service door to exterior for emergency egress access.

R311.2 Egress Door. Revise fourth sentence to say: Other means of egress doors shall have a minimum width of thirty (30) inches.

R312.1.1. Where Required (Guards). Change "30 inches" to read "three (3) risers or eighteen (18) inches."

R401.5 Pedestrian Safety Warning/Protection (General). Add new section: Every construction site where an excavation is open or anticipated to be open shall be enclosed along the perimeter

of the lot with temporary chain-link fencing not less than six (6) feet high. The fence shall have a locking swinging gate or approved equivalent along the street-side lot line that shall not block the public right-of-way. The fence shall be installed prior to the start of any work involving building demolition or new construction, and it shall remain in place until such time as the excavation is filled and any required insulation inspection is approved.

R402.1 Wood Foundations. Substitute Section R402.1 in its entirety with the following: Wood foundations shall not be permitted.

R402.2 Concrete (Foundations). Add the following: Masonry foundations shall not be permitted.

R403.1.1. Minimum Size (Footings). Replace the third and fourth sentences with the following: Spread footings on soil shall be a minimum of 8" deep and 18" wide with the concrete foundation wall centered on the footing width with a minimum of 4" of footing between the footing edges to either side of the foundation wall.

R403.1.4 Minimum Depth (Footings). Delete Section and refer to LMC Section 6-130.

R404.1.5 Foundation Wall Thickness Based on Walls Supported. Delete the present wording of section R404.1.5 and substitute the following: The thickness of plain concrete foundation walls shall not be less than eight (8) inches nor shall the thickness of the foundation wall be less than the wall to be supported.

R405.1 Concrete Foundations. (Foundation Drainage) Add the following to the end of the paragraph:

The storm sump basin shall discharge to the available municipal storm sewer through a minimum four inch (4") PVC SDR 26 or as approved by the Director of Public Works. Provide an air gap outside the building.

R408.4 Access. Change the minimum opening sizes in sentences two, three and four to read: "22 inches by 36 inches."

R502.3.1 Sleeping Areas and Attic Joists. Change "Table R502.3.1(1)" to "Table R502.3.1(2)" and change the design live load of "30 psf (1.44 kn/m²)" to "40 psf."

R502.11.1 and R802.10.2 Design (Wood Truss). Change the last sentence to read as follows: The truss design drawings with related stress diagrams shall be prepared, signed and sealed by an architect and/or structural engineer licensed in the State of Illinois.

R807.1 Attic Access. In the 3rd and 4th sentences substitute "30 inches" with "36 inches. Add seventh sentence to read as follows: Attic access shall not be located above closet storage areas.

M1804.2.5 Direct vent terminations. Add the following: Power exhaustor direct vent terminations shall extend through the roof or rear yard wall and shall be located not less than 15 feet from lot lines. If the power exhaustor direct vent terminations is through a wall, then it shall

be directed toward the farthest zoning lot line with the discharge directed down and located as close to the ground as possible for noise reduction and/or installed with a pre-approved sound muffler system. Exceptions: Direct vent fireplaces and wall furnaces

M1804.2.6 Req.(6). Substitute Req.(6) in its entirety with the following: 6. Power exhauster terminations shall extend through the roof or rear yard wall, and shall be located not less than 15 feet from lot lines and adjacent buildings.

Appendix K. Section AK102 Air-Borne Sound. Revise minimum STC rating from 45 to 54.

Appendix K. Section AK103 Structural-Borne Sound. Revise minimum IIC rating from 45 to 51.

Secs. 6- 199--6- 214. Reserved.