

15.101.010 Administration provisions adopted

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The provisions of Chapter 1, “Administration” of the 2015 International Building Code issued by the International Code Council, Inc. 4051 West Flossmoor Road, Country Club Hills IL 60478, not less than three (3) copies of which have been and are on file in the Office of the Clerk of the City of St. Charles, Illinois for more than thirty days, are hereby adopted as the administrative provisions of the St. Charles Building Code as described herein, with the following amendments:

Section 101: Amend Sections 101.1, 101.2, 101.4.1, and 101.4.3 to read as follows:

101.1 Title. Chapters 15.04, 15.08, 15.20, 15.36 and 15.101 of Title 15 of the St. Charles Municipal Code, including the state and national codes adopted therein by reference, shall be known and may be cited as the "St. Charles Building Code," hereinafter referred to as "this Code."

101.2 Scope. The provisions of this Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building and structure and any appurtenances connected or attached to such buildings or structures, except as such matters are otherwise more specifically provided for in other ordinances or statutes.

101.4.1 Electrical. The provisions of the 2014 edition of the National Electrical Code, NFPA 70, issued by the National Fire Protection Association, Inc., One Batterymarch Park, Quincy, Massachusetts 02269 (hereinafter sometimes referred to as the “NEC”), with amendments as contained in Section 15.04.040, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto. Where the 2009 IBC refers to the ICC Electrical Code, the NEC shall be substituted.

101.4.3 Plumbing. The provisions of the 2014 Edition of the Illinois Plumbing Code compiled by the Illinois Department of Public Health, with amendments as adopted in Section 15.04.050, shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of Section 13.12.235 “Private sewage disposal systems requirements generally” of the St. Charles Municipal Code shall apply to private sewage disposal systems. Where the 2015 IBC refers to the International Plumbing Code, the Illinois Plumbing Code as adopted in Section 15.04.050 shall be substituted.

Section 102: Section 102.2, 102.7, and 102.8 to read as follows

102.2 Other laws. The provisions of this Code shall not be deemed to nullify any provisions of local, state or federal law. The provisions of this Code shall apply whether or not the property as defined in the Condominium Property Act (765 ILCS 605/1 et seq.), is subject to the act.

102.7 Matters Not Provided For. Any requirement essential for structural, fire or sanitary safety or an existing or proposed building or structure, or essential for the safety of the occupants thereof, and which is not specifically covered by this Code, shall be determined by the Building Official.

102.8 Other Chapters. When the provisions specified in this Code for health, safety and welfare are more restrictive than other provisions of the St. Charles Municipal Code, this Code shall control; when the other provisions of the St. Charles Municipal Code are more restrictive than the provisions of this Code, the other provisions of the St. Charles Municipal Code shall control.

Section 103: Delete all of Section 103 and substitute a new Section 103, “Building and Code Enforcement Division” therefore:

Section 103 Building and Code Enforcement Division

103.1 Building and Code Enforcement Division. The Building and Code Enforcement Division is created within the Department of Community Development and the executive official in charge thereof shall be known as the Building Official.

103.2 Organization. The Building Official shall request employment of technical assistants, inspectors and other employees as shall be necessary for the administration of this Code and as authorized by the Director of Community Development.

103.3 Assistant(s) to Building Official. The Building Official, subject to the approval of the Director of Community Development, may designate an employee(s) as his assistant(s) who shall exercise all the powers of the Building and Official during his temporary absence or disability.

103.4 Conflict of Interest. The Building Official or any of his employees shall not be engaged in or directly or indirectly connected with the furnishing of labor, materials or appliances for the construction, alteration or maintenance of any building within the City, or the preparation of plans or of specifications therefore, unless he or she is the owner of the building; nor shall such officer or employee engage in any work which could conflict with his official duties or with the interests of the City, without the consent and/or direction of the Director of Community Development.

103.7 Interdepartmental Cooperation. The assistance and cooperation of the police, fire, finance and public works departments shall be available to the Building Official as required in the performance of his duties.

Section 105: Add paragraph 105.2, amend paragraphs 105.3.2 and 105.4 to read as follows, and add paragraphs 105.8 and 105.9, as follows:

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

1. Retaining Walls that are not over four (4) feet in height, measured from the bottom of the footing to the top of the wall.
2. Painting, papering, tiling, carpeting, counter tops and similar finish work.
3. Temporary motion picture, television, and theater stage sets and scenery.
4. Pre-fabricated swimming pools, accessory to a Group R-3 occupancy that are less than 24-inches deep, does not exceed 5,000 gallons and are installed entirely above ground.
5. Share cloth structures constructed for nursery or agricultural purposes, not including service systems.
6. Swings and other playground equipment accessory to detached one and two family dwellings.
7. Non-fixed and movable fixtures, cases, racks, counters, and partitions not over 5-feet 9-inches in height.

105.3.2 Time Limitation of Application. An application for a permit for any proposed work shall be deemed to have been abandoned ninety days after 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 one or more extensions of time for additional periods not exceeding ninety days each. The extension shall be requested in writing and reasonable cause demonstrated.

105.5 Expiration. Every permit shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if work authorized by such permit is suspended or abandoned for a period of six months after the time the work is commenced; provided, that, for cause, one or more extension of time, for period not exceeding ninety days each, may be allowed by application, in writing, to the Building Official. Lack of request for inspections shall constitute abandonment of work. In no case shall a permit be valid for a longer period of time than two years.

105.8 Transfer of Permit. A permit may not be transferred by the person to whom it is issued, to another person, without the written approval of the Building Official.

105.9 Failure to Obtain a Permit. If any person commences any work on a building or structure before obtaining the necessary permit from the, Building and Code Enforcement Division, he shall be subject to the penalty prescribed in this chapter. Where work is commenced before a permit is obtained, the permit fees set forth in Section 15.101.150 shall be doubled.

Section 106: Add Sections 106.1.4, 106.2.1, 106.6, 106.6.1, 106.7, and 106.8 as follows:

106.1.4 Copies. The Building Official shall establish the number of copies of construction documents that are required for review by City officials and outside review agencies, and may require the applicant to submit the necessary number of copies prior to commencing review.

106.2.1 Surveys. All required boundary line surveys should be made by a land surveyor licensed in Illinois. Upon completion of the foundation and prior to any construction beyond the foundation stage, a survey verifying the elevation of the top of the foundation, front, both sides, and the rear setbacks from their respective lot lines, signed and sealed by a registered Illinois land surveyor, shall be submitted to and approved by the Building Official.

106.6 Special Professional Services. When applications for unusual designs or magnitude of construction are filed, or where code reference standards and/or an applicable appendix require special architectural or engineering review or inspections, the Building Official may require one or both of the following special professional services:

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1. Full-time project representation by an architect or engineer in addition to that which is otherwise required. The project representative shall keep daily records and submit reports in writing as may be required by the Building Official.
2. Review of plans, specifications, calculations, or other information submitted by the permit applicant, by an architect or engineer selected by the Building Official.

106.6.1 Determination of Special Requirement and Costs The special professional service requirement shall be determined prior to the issuance of the building permit and shall be a requisite for the permit issuance. Refusal by the applicant to provide such service as required by the Building Official shall result in the denial of the permit. All fees and costs related to the performance of special professional services shall be borne by the applicant and shall be paid prior to issuance of the final certificate of occupancy.”

106.7 Certificate of Compliance with Code. It is unlawful for any architect or structural engineer or professional engineer or other person permitted under the laws of the state to make drawings and plans, to prepare or submit to the Building Official, for his approval, any final drawings or plans for a structure which does not comply with the requirements of this Code. All drawings and plans submitted to the Building Official for approval for any building or structure, shall be accompanied by a certificate of the architect or structural engineer or professional engineer preparing such drawings and plans, that the drawings and plans comply with the requirements of this Code.

106.8 Licensed Professionals. When it is required that plans be prepared by a licensed professional, no plans shall be approved for permit unless such plans are signed and sealed by an architect licensed to practice architecture, as provided by the Illinois Architectural Act, or by a structural engineer licensed to practice professional engineering, as provided by the Illinois Structural Engineer Act, or by a registered engineer licensed to practice professional engineering as provided by the Illinois Professional Engineering Act; provided, however, that the person who signs and seals such plans shall be permitted to do so within the limitations of the particular act under which he is licensed to practice, and; provided further, that plans for installations which involve the design of or changes in the supporting structure or which materially affect the structural loadings must be signed and sealed by an architect or structural engineer duly licensed as aforesaid.

Add Sections 107.2.5.2, 107.2.5.3, and 107.2.5.4 as follows:

Section 107.2.5.2 Engineering Plan. For building permit applications that include Land Improvements as defined in Title 16 “Subdivisions and Land Improvement”, an Engineering Plan shall be submitted with the Site Plan. The Engineering Plan shall be in substantial conformance to and show the necessary items identified in Title 16, “Appendix E - Drawing Requirements Checklist – Final Engineering Plans.” of the St. Charles Municipal Code.

(Ord. 2013-M-15 § 4.)

Section 107.2.5.3 Guarantee for Completion of Land Improvements For building permit applications that include public Land Improvements, a guarantee for completion of the public Land Improvements shall be submitted to the Director of Public Works or Development Engineering Division Manager prior to issuance a building permit.

The guarantee shall be in one of the following formats, with the form, amount and provider being subject to approval by the Development Engineering Division Manager or Designee.

1. Cash in the amount of 115% of the estimated cost of the Land Improvements remaining to be completed.
2. A performance letter of credit, in substantially the form attached as Appendix C in Title 16 Subdivisions and Land Improvements, in the amount of 115% of the estimated cost of the Land Improvements remaining to be completed, issued by a sound and reputable banking institution authorized to do business in the state of Illinois and meeting the criteria set forth below.
3. A surety bond in the amount of 115% of the estimated cost of the Land Improvements remaining to be completed, issued by a surety company authorized to do business in Illinois and meeting the criteria set forth below.

The form, amount and provider of the guarantee for completion shall be subject to the approval of the Director of Community Development, Development Engineering Division Manager or their Designee, and shall meet the following criteria:

1. Banks (for letters of credit): Each letter of credit shall be drawn on an institution 1) acceptable to the Director of Finance; 2) having assets of at least \$10 Million; 3) having an office in the Chicago Metropolitan Area; and 4) that is a member of the Federal Deposit Insurance Corporation; or

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2. Insurance Companies (for surety bonds): Must have an A.M. Best Company rating of Superior (A++ and A+), Excellent (A and A-), or Very Good (B++ and B+) (or equivalent).

Completed Land Improvements may be omitted from the amount of the guarantee. For purposes of this section, completed Land Improvements shall be those Land Improvements which have been previously accepted by the City Council, and, if applicable, conveyed to the City via a Bill of Sale substantially in the form set forth in Appendix C of Title 16 "Subdivisions and Land Improvement" of the St. Charles Municipal Code, pursuant to the terms and conditions of the Land Improvement Agreement.

The guarantee shall be accompanied by a Land Improvement Agreement in substantially the form set forth in Appendix D of Title 16 "Subdivisions and Land Improvement" of the St. Charles Municipal Code. The Mayor is authorized to execute a Land Improvement Agreement and authorization from the City Council is not required.

Section 107.2.5.4 Release of Guarantee for Completion

The guarantee for completion of the Land Improvements shall be released only upon fulfillment of the following conditions:

1. The completion of the Land Improvements;
2. The submission of one (1) set of reproducible (mylar) as-built drawings of the Land Improvements;
3. A Bill of Sale for all Land Improvements that has been accepted by City Council;
4. The acceptance of the Director of Community Development or Development Engineering Division Manager or designee of a guarantee for maintenance of land improvements (See Appendix C in title 16 Subdivisions and Land Improvement). The guarantee shall be in one of the following formats:
 - a. Cash in the amount of 15% of the estimated cost or actual construction costs of the Land Improvements to be accepted or acknowledged as complete by the City.
 - b. A maintenance guarantee in the amount of 15% of the estimated cost or actual construction costs of the Land Improvements to be accepted or acknowledged as complete by the City, issued by a sound and reputable banking authorized to do business in the State of Illinois and meeting the criteria set forth below.
 - c. A surety bond in the amount of 15% of the estimated cost or actual construction costs of the Land Improvements to be accepted or acknowledged as complete by the City, issued by a surety company authorized to do business in the State of Illinois and meeting the criteria set forth below.
5. The form, amount and provider of the guarantee shall be subject to the approval of the Development Engineering Division Manager or Designee shall meet the following criteria:
 - a. Banks (for letters of credit): Each letter of credit shall be drawn on an institution a) acceptable to the Director of Finance; b) having assets of at least \$10 Million; c) having an office in the Chicago Metropolitan Area; and d) that is a member of the Federal Deposit Insurance Corporation; or
 - b. Insurance Companies (for surety bonds): Must have an A.M. Best Company rating of Superior (A++ and A+), Excellent (A and A-), or Very Good (B++ and B+) (or equivalent).
6. Acceptance of the Land Improvements by the City Council of the City shall be as set forth in Title 16, "Subdivisions and Land Improvement Section 16.04.130, "Acceptance of Land Improvements" of the St. Charles Municipal Code.

Section 110: Delete Section 110.3.5 "Lath and gypsum board inspections" (including the Exception paragraph), and amend Section 110.5 "Inspection Requests" to read as follows:

110.5 Inspection Requests. It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code. At least twenty-four hours' notice shall be given to the Building and Code Enforcement Division by the permit holder for each required inspection.

Section 111: Add Section 111.5, as follows:

111.5 Grading Survey and As-Built Elevation Certification.

1. Requirement: This section applies to single- and multi-family dwelling units and commercial structures. A topographical survey of the construction site, as finally graded, prepared, and certified by a professional land surveyor or a registered professional engineer, shall be submitted to demonstrate compliance with approved plans, and that adequate provisions for drainage have been constructed. This topographical survey shall depict the location of the structure and the grade elevations designed for the site. The "as-built" elevation contours shall be at one (1) foot increments minimum and shall provide sufficient detail to adequately determine the proper final grading of a parcel as determined by the City Engineer or his

designee. Additionally, a registered professional engineer shall certify the final grading of the site is in substantial compliance with the approved grading plans.

2. Weather Conditions: When weather conditions prohibit the final grading of the site in accordance with the approved plans or prevents a survey from certifying the same; the City Engineer or his/her designee may allow occupancy provided the following conditions are met.
 - a. The site/building may be occupied safely without endangering life or public welfare.
 - b. A \$3,000 cash deposit or other suitable guarantee as determined by the City Engineer is posted for each lot where grading cannot be completed or verified. Occupancies allowed prior to completion of grading and verification of the same shall have a strict completion date as established by the City Engineer at the time of occupancy. The City shall return the guarantee for the full amount (no interest) after completion of the lot grading, submittal of a final survey and acceptance by the City inspector.

Section 114: Amend paragraph 114.4 “Violation Penalties” to read as follows:

114.4 Violation Penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to a fine of not less than fifty dollars nor more than seven hundred fifty dollars. Each day that a violation continues shall be deemed a separate violation. The imposition of a fine shall not preclude the Building Official from instituting appropriate legal action 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 in or about any premises.

Section 116: Add and 116.6, 116.7, 116.8 and 116.9 as follows:

Section 116 Posting Structures

116.6 Vacating Structures. When, in the opinion of the Building Official, there is an actual and immediate danger of failure or collapse of a building or structure or any part thereof which would endanger life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the building or structure, the Building Official shall require the occupants to vacate the same forthwith. He shall cause to be posted at each entrance to such building a notice reading as follows: "This structure is unsafe and its use or occupancy has been prohibited by the Building Official, and it shall be unlawful for any person to enter such building or structure except for the purpose of making the required repairs or demolishing the same."

116.7 Temporary Safeguards. When, in the opinion of the Building Official, there is actual and immediate danger of collapse or failure of a building or structure or any part thereof which would endanger life, he shall cause the necessary work to be done to render such building or structure or part thereof temporarily safe, and shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

116.8 Costs of Emergency Repairs. Costs incurred in the performance of emergency work shall be paid from the treasury of the jurisdiction on certificate of the duly authorized official and the legal authority of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe building or structure was located for the recovery of such costs.

116.9 Closing Streets. When necessary for the public safety, the duly authorized official may temporarily close sidewalks, streets, buildings and structures and places adjacent to such unsafe structures, and prohibit the same from being used.

Add a Section 117 “Posting Structures” and sections 117.1 through 117.4, as follows:

117.1 Posted Use and Occupancy. Every building and structure and part thereof designed for business, factory and industrial, high hazard, mercantile, or storage use (use groups B, F, H, M and S) as defined in Article 2, shall be posted on all floors by the owner with a suitably designed placard in a form designated by the Building Official, which shall be securely fastened to the structure in a readily visible place, stating the use group, the fire grading, the live load and the occupancy load.

117.2 Posted Occupancy Load. Every room constituting a place of assembly shall have the occupancy load of the room posted in a conspicuous place, near the main exit from the room. Approved signs shall be maintained in a legible manner by the owner or his authorized agent. Signs shall be durable and shall indicate the number of occupants permitted for each room use.

117.3 Replacement of Posted Signs. All posting signs shall be furnished by the owner and shall be of permanent design; they shall not be removed or defaced, and if lost, removed or defaced, shall be immediately replaced.

117.4 Periodic Inspection. The Building Official and/or other duly authorized official may periodically inspect or cause to be inspected all existing buildings and structures, except one-family and two-family dwellings, for compliance with the law in respect to posting; or may accept the report of such inspection from an authorized licensed professional engineer or architect; and such inspection and report shall specify any violation of the requirements of this Code in respect to the posting of floor load, fire grading, occupancy load and use group of the building.”

Add a Section 118 “Demolition and Moving of Structures”, as follows:

Section 118 Demolition and Moving of Structures

118.1 Service Connections. Before a permit is issued to demolish or move a structure, the owner or agent shall notify all utilities having service connections within the structure such as water, electric, gas, sewer and other utilities. A permit to demolish or move a structure shall not be issued until verification is made by the utilities, confirming that their respective service connections and appurtenant equipment, such as meters, regulators, etc., have been removed or sealed and plugged in a safe and approved manner.

118.2 Site Safety. Whenever a structure is demolished or moved, the premises shall be maintained free from all unsafe or hazardous conditions by the erection of the necessary fencing to keep the public from entering the site. Unsafe materials shall be removed and established grades shall be restored as soon as practicable.

118.3 Demolition Plan. Prior to issuance of a demolition permit, a demolition plan shall be submitted including a plot plan showing the buildings or structures to be demolished and the buildings or structures on the same lot that are to remain. The demolition plan shall include a description of methods used for demolition and removal and of the methods to be used to minimize potential impacts including noise, debris and dust.

Add a Section 119 “Contractor Responsibility,” as follows:

119.1 Contractor Responsibility. The actual construction of the work shall be the responsibility of the general contractor as identified on the approved building permit. The general contractor shall execute all work in accordance with the approved construction documents, and shall execute and control all methods of construction in a safe and satisfactory manner in accordance with all applicable local, state, and federal statutes and regulations.

(2012-M-44 : § 1)