

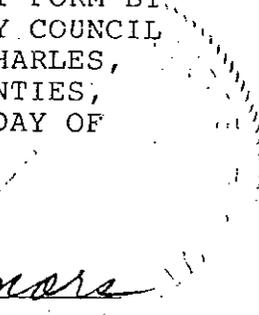
CITY OF ST. CHARLES

ORDINANCE NO. 1983-M-25

AN ORDINANCE AMENDING TITLE 15,
"BUILDINGS AND CONSTRUCTION", OF THE ST. CHARLES
MUNICIPAL CODE BY AMENDING CHAPTER 15.101,
"ADMINISTRATION, ENFORCEMENT, FEES AND PENALTIES"

ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF ST. CHARLES
THIS 20th DAY OF JUNE, 1983

PUBLISHED IN PAMPHLET FORM BY
AUTHORITY OF THE CITY COUNCIL
OF THE CITY OF ST. CHARLES,
KANE AND DU PAGE COUNTIES,
ILLINOIS, THIS 24th DAY OF
JUNE, 1983


Jean M. Connors
CITY CLERK

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"BUILDINGS AND CONSTRUCTION", OF THE ST. CHARLES MUNICIPAL CODE
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REFER TO:	MINUTES	6-20-83
PAGE		

DATE OF PUBLICATION 6/24/83
 NEWSPAPER Pamphlet form

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES,
KANE AND DUPAGE COUNTIES, ILLINOIS, as follows:

1. That Title 15, Chapter 15.101, "Administration, Enforcement, Fees and Penalties", of the St. Charles Municipal Code be and is hereby amended by deleting same and substituting the following therefore:

15.101 Administration, Enforcement, Fees and Penalties

15.101.010 Title, Purpose and Scope

- A. Short Title. This Chapter shall be known and may be cited as the "St. Charles Building Code", hereinafter referred to as "this code".
- B. Purpose of Code. The purpose of this code is to provide for public safety, health and welfare through structural strength and stability, means of egress, adequate light and ventilation and protection to life and property from fire and hazards incident to the design construction, alteration, removal or demolition of buildings and structures.
- C. Scope. These regulations shall control all matters concerning the construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings and structures, and shall apply to existing or

proposed buildings and structures in the City of St. Charles, Kane and DuPage Counties, Illinois; except as such matters are otherwise provided for in other ordinances or statutes, or in the rules and regulations authorized for promulgation under the provisions of this code.

- D. Application of References. Unless otherwise specifically provided in this code, all references to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

15.101.020 Applicability

- A. General. The provisions of this code and other applicable chapters of the St. Charles Municipal Code shall cover all matters affecting or relating to buildings and structures, as set forth in 15.101.010. The provisions of this Chapter shall apply whether or not the property as defined in the Condominium Property Act (Illinois Revised Statutes, Chapter 30, Paragraph 301 et seq), is subject to said Act.
- B. Exemptions. A building or structure shall not be constructed, extended, repaired, removed, or altered in violation of these provisions, except for ordinary repairs as defined in 15.101.030, and

except further that the raising, lowering or moving of a building or structure as a unit necessitated by a change in legal grade or widening of a street shall be permitted, provided the building or structure is not otherwise altered or its use or occupancy changed.

- C. Matters Not Provided For. Any requirement essential for structural, fire or sanitary safety of 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 Commissioner.
- D. Continuation of Unlawful Use. The continuation of work on, occupancy or use of a building or structure, or a part thereof, contrary to the provisions of this code, shall be deemed a violation and subject to the penalties prescribed in 15.101.210.
- E. Other Chapters. When the provisions herein specified for health, safety and welfare are more restrictive than other chapters, this code shall control; but in any case, the more rigid requirements of either this code or other chapters shall apply whenever they may be in conflict.

General. Ordinary repairs to structures not exceeding \$100.00 in any one (1) calendar year, may be made without application or notice to the Building Commissioner but such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress or rearrangement of parts of a structure affecting the exitway requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

15.101.040 Installation of Service Equipment.

General. When the installation, extension, alteration or repair of an elevator, moving stairway, mechanical equipment, refrigeration, air condition or ventilating apparatus, plumbing, gas piping, electric wiring, heating system or any other equipment is specifically controlled by the provisions of this code or the approved rules, it shall be unlawful to use such equipment until a certificate of approval has been issued therefor by the Building Commissioner.

15.101.050 Maintenance

- A. General. All buildings and 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 ordinance in a building or structure, when erected, altered or repaired, shall be maintained in good working order.
- B. Owner Responsibility. The owner and his designated agent shall be responsible for the safe and sanitary maintenance of the building or structure and its exitway facilities at all times.
- C. Maintenance and Use. It shall be unlawful to maintain, occupy or use a building or structure or part thereof, that has been erected, altered or added to in violation of the provisions of this code, and no building or structure shall be occupied unless it is in a safe and habitable condition as prescribed in this code.

15.101.060 Change in Existing Use.

- A. Continuation of Existing Use. The legal use and occupancy of any structure existing on September 16, 1978, or for which it had been heretofore approved, may be continued without change, except as may be specifically covered in this chapter or the

balance of the St. Charles Municipal Code or as may be deemed necessary by the Building Commissioner for the general safety and welfare of the occupants and the public.

- B. Change in Use. It shall be unlawful to make any change in the use or occupancy of any structure which would subject it to any provision of this code without approval of the Building Commissioner and his certification that such structure meets the intent of the provisions of law governing building construction for the proposed new use and occupancy, and that such change does not result in any greater hazard to public safety or welfare.

15.101.070 Existing Structures

- A. Application. Except as provided in this section, existing structures, when altered or required as herein specified, shall be made to conform to the full requirements of this code for new structures.
- B. Alterations Exceeding Fifty Percent (50%). If alterations or repairs are made within any period of twelve (12) months, costing in excess of fifty percent (50%) of the physical value of the structure, this code's requirements for new structures shall apply.
- C. Damages Exceeding Twenty-five Percent (25%). If the structure is damaged by fire or any other

cause to an extent in excess of twenty-five percent (25%) of the physical value of the structure before the damage was incurred, this code's requirements for new structures shall apply.

- D. Alterations Under Fifty Percent (50%). If the cost of alterations or repairs described herein is between twenty-five percent (25%) and fifty percent (50%) of the physical value of the structure, the Building Commissioner shall determine to what degree the portion so altered or repaired shall be made to conform to the requirements for new structures.
- E. Alterations Under Twenty-five Percent (25%). If the cost of alterations or repairs described herein is less than twenty-five percent (25%) of the physical value of the structure, the Building Commissioner may permit the restoration of the structure to its condition previous to damage or deterioration with the same kind of materials as those of which the structure was constructed; provided that such construction does not endanger the general safety and public welfare and complies with the provisions of this code in respect to existing roofs.
- F. Increase in Size. If the structure is increased in floor area, height, number of stories, the

entire structure shall be made to conform with all applicable codes.

G. Part Change of Use. If a portion of the structure is changed in occupancy or to a new use group, and that portion is separated from the remainder of the structure with the required vertical and horizontal fire divisions complying with the current fire grading in the Table in this code, then the construction involved in the change shall be made to conform to the requirements for the new use and occupancy, and the existing portion shall be made to comply with the exitway requirements of this code.

H. Physical Value. In applying the provisions of this section, the physical value of the structure shall be determined by the Building Commissioner and be based on current replacement costs.

15.101.080 Department of Building Inspection

- A. Building and Zoning Commissioner. The Department of Building and Zoning of the City of St. Charles is hereby created and the executive official in charge thereof shall be known as the Building and Zoning Commissioner.
- B. Organization. The Building Commissioner 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 Mayor with the advice and consent of the City Council.

- C. Assistant/s to Building Commissioner. The Building Commissioner may designate an employee/s as his assistant/s who shall exercise all the powers of the Building Commissioner during the temporary absence, disability or as directed by the Building Commissioner.
- D. Restriction of Employees. The Building Commissioner or any of his assistants or secretaries, except one whose only connection is that of a member of the board of survey or of appeals established under the provisions of 15.101.250 and 15.101.260, 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 a building, or the preparation of plans or of specifications therefor, unless he or she is the owner of the building; nor shall such officer or employee engage in any work which conflicts with his official duties or with the interests of the Department, without the consent and/or direction of the Building Commissioner.
- F. Relief from Personal Responsibility. The Building

Commissioner, officer or employee charged with the enforcement of this code, while acting for the City, shall not thereby render himself liable personally, and is hereby 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 his official duties. Any suit instituted against any officer or employee because of an act performed by him in the lawful discharge of his duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The Building Commissioner or any of his subordinates shall not be liable for costs in any action, suit or proceeding that may be instituted in pursuance of the provisions of this code; and any offices of the Department of Building Inspection, 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.

15.101.090 Duties and Powers of Building Commissioner.

- A. General. The Building Commissioner shall enforce or cause to be enforced all the provisions of this

code and shall act on any question relative to the mode and manner of construction and the materials to be used in the erection, addition to, alteration, repair, removal, demolition, installation of service equipment, and the location, use occupancy, and maintenance of all buildings and structures, except as may otherwise be specifically provided for by statutory requirements or as provided in the following 15.101.090 (B) through 15.101.090 (G).

- B. Applications and Permits. The Building Commissioner shall receive application and issue permits for the erection and alteration of buildings and structures, and inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.
- C. Building Notices and Orders. The Building Commissioner shall issue notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards during construction, to require adequate exitway facilities in existing buildings and structures and to insure compliance with all the code requirements for the safety, health and general welfare of the public.
- D. Inspections. The Building Commissioner shall make or cause to be made all the required inspections,

or may accept reports of inspection by authorized services or individuals; and all reports of such inspections shall be in writing and certified by a responsible officer of such authoritative service or by the responsible individual; or may engage such expert opinion as the Building Commissioner may deem necessary to report upon unusual technical issued that may arise.

- E. Credentials. The Building Commissioner or his authorized representative shall carry proper credentials of his respective office for the purpose of inspecting any and all buildings and premises in the performance of his duties under this code.
- F. Accepted Engineering Practice. In the absence of provisions not specifically contained in this code or approved rules, the regulations, specifications and standards listed in Appendix B, Accepted Material Standards, shall be deemed to represent accepted engineering practice in respect to the material, equipment, system or method of construction therein specified.
- G. Department Records. The Building Commissioner shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspection, 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.

15.101.100 Approval

- A. Approved Materials and Equipment. All materials, equipment and devices approved for use by the Building Commissioner shall be constructed and installed in accordance with such approval.
- B. Modifications. When there are practical difficulties involved in carrying out structural or mechanical provisions of this code or of an approved rule, the Building Commissioner may vary or modify such provision upon application of the owner or his representative, provided that the spirit and intent of the law shall be observed and public welfare and safety be assured.
- C. Records. The application for modification and the final decision of the Building Commissioner shall be in writing and shall be officially recorded with the application for the permit in the permanent records of the Department of Building Inspection.
- D. Used Materials and Equipment. Used materials, equipment and devices may be used provided they

have been reconditioned, tested and placed in good and proper working condition and approved for use by the Building Commissioner.

E. Alternate Materials and Equipment. The provisions of this code are not intended to prevent the use of any material or method of construction not specifically prescribed in this code, provided any such alternate has been approved. The Building Commissioner may approve or disapprove in writing any such alternate provided he finds that the proposed design is satisfactory and complies with the intent of the provisions of this Title, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

F. Research, Testing and Investigations. The Building Commissioner may require sufficient technical data including but not limited to tests and test methods be submitted to substantiate the proposed use of any material or assembly, and if he determines that the evidence submitted is satisfactory proof of performance for the use intended, he may approve its use subject to the requirements of this code. Where no appropriate test

methods are prescribed in the code, the Building Commissioner shall determine the test procedure. The costs of all tests, reports and investigations required under these provisions shall be paid by the applicant.

- G. Research Reports. The Building Commissioner may accept as supporting data to assist him in his determination duly authenticated Research Reports from the Building Officials and Code Administration International or from other approved authoritative sources for all materials or assemblies proposed for use which are not specifically provided for in this code.
- H. Quality of Materials and Method of Construction. Any material or method of construction failing to conform to the requirements of this code shall not be used. Whenever there is reason to doubt the quality of a material or method of construction to be used in a building or structure, the Building Commissioner may require tests to be made to establish its suitability or to determine whether it conforms to the intent of this code. Such test shall be made at the expense of the owner or his agent.
- I. Approvals.
 - a. Any material or method of construction meeting

the requirements of this code shall be approved by the Building Commissioner within a reasonable time after the completion of the tests. All such approvals and the conditions under which they are issued shall be reported and kept on file, open to public inspection.

- b. Materials or methods of construction which have been tested and approved shall be used and installed in accordance with the terms of approval.
- c. So far as practicable materials for which special approvals have been issued shall have a distinctive brand mark or label for identification impressed on or otherwise attached to them so that the material for which special approval was obtained may be readily identified.

J. Additional Tests. The Building Commissioner may require tests to be repeated, if at any time there is a reason to believe that a material no longer conforms to the requirements on which its approval was based.

15.101.110 Inspection

- A. Preliminary Inspection. Before issuing a permit, the Building Commissioner may examine or cause to be examined all buildings, structures and sites

- for which an application has been filed for a permit to construct, enlarge, alter, repair, remove, demolish or change the use thereof.
- B. Required Inspection. After issuing a building permit, the Building Commissioner shall conduct such inspections from time to time during and upon completion of the work for which he has issued a permit; and he shall maintain a record of all such examinations and inspections and of all violations of this code.
- C. Accredited Inspection Services. The Building Commissioner may accept reports of approved inspection services which satisfy his requirements as to qualifications and reliability.
- D. Plant Inspection. When required by the provisions of this code or by the approved rules, materials or assemblies may be inspected at the point of manufacture or fabrication in accordance with 15.101.110 (E) and Article 18.
- E. Inspection Reports. All inspection reports shall be in writing and shall be certified by the licensed authority or responsible officer of the service, or the individual when expert inspection services are accepted. An identifying label or stamp permanently fixed to the product indicating the factory inspection has been made may be ac>

cepted in lieu of the aforesaid inspection report in writing if the intent or meaning of such identifying label or stamp is properly substantiated.

- F. Request for Inspection. At least twenty-four (24) hours notice shall be given to the Office of the Building Commissioner for required inspection by an applicant.
- G. Final Inspection. Upon completion of the building or structure and before issuance of the certificate of use and occupancy required in 15.101.190, a final inspection shall be made. All violations of the approved plans, permits and applicable codes shall be noted and the holder of the permit shall be notified of the discrepancies.

15.101.120 Right of Entry

- A. General. With the consent of the owner or occupant or his or her representative or a court order in the discharge of his duties, the Building Commissioner or his authorized representative shall have the authority to enter at any reasonable hour any building, structure or premises in the jurisdiction to enforce the provisions of this code.
- B. Official Badge. The Building Commissioner may adopt a badge of office for himself and assistants which shall be displayed for the purpose of iden-

tification.

- C. Jurisdictional Cooperation. The assistance and cooperation of police, fire and health departments and all other officials shall be available to the Building Commissioner as required in the performance of his duties (see Section 403.3 1978 BOCA).

15.101.130 Application for Permit

- A. Permit Required. It shall be unlawful to construct, enlarge, alter, or demolish a structure; or change the occupancy of a building or structure requiring a greater strength, exitway or sanitary provisions; or to change to another use; or to install or alter any equipment for which provision is made or the installation of which is regulated by this code, without first filing an application with the Building Commissioner in writing and obtaining the required permit therefore, except that ordinary repairs, as defined in 15.101.030, shall be exempt from this provision.
- B. Permit Application. The application for a permit shall be submitted in such form as the Building Commissioner may prescribe and shall be accompanied by the required fee as prescribed by ordinance.
- C. By Whom Application Is Made. Application for a permit shall be made by the owner or lessee of

the building or structure, or agent of either, or by the licensed engineer or architect employed in connection with the proposed work. If the application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit 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 corporation, shall be stated in the application.

- 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. All applications for building permits shall in addition to containing the information required by the Building Department, be accompanied by plot and construction plans drawn to scale, showing the actual shape and dimensions of the parcel of land to be built upon; the exact sizes and locations on the parcel of land of buildings already existing, if any; the exact size

and location on the parcel of land of the building or buildings to be erected or altered; the existing use of buildings on the parcel of land, if any; the intended use of each building or buildings or parts thereof; the number of families the building is designed to accommodate; the location and number of required off-street parking and off-street loading spaces; exact location of trees protected by County regulations and such other information with regard to the parcel of land and existing and proposed structures as may be necessary to determine compliance with and provide for the enforcement of these regulations. The application shall be accompanied by a survey of the lot, made by a land surveyor licensed in Illinois, all property stakes shall be in place at the time of application.

- E. Plans and Specifications. The application for the permit shall be accompanied by not less than two (2) copies of specifications and of plans drawn to no less than one-eighth inch (1/8 inch) scale, with sufficient clarity and detail dimensions to show the nature and character of the work to be performed. When quality of materials 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. The Building Commissioner may waive the requirement for filing plans when the work involved is of a minor nature.

- F. Recorded Property. At the time of applying for a permit for the erection of, alteration of, addition to, change of occupancy or occupants, or moving of any building or structure, the applicant shall submit to the Building Commissioner a plat of survey of the lot by an Illinois Registered Land Surveyor, showing the dimensions of the same and the position to be occupied by the proposed building, or by the building to be altered or added to, or by the building to be moved thereon, and the position of any other building or buildings that may be on the lot.
- G. Site Plan. There shall be a site plan showing to scale the size and location of all the new construction and all existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the plot plan shall show all construction to be demolished and the location and size of all exist-

ing structures and construction that are to remain on the site or plot.

- H. Engineering Details. The Building Commissioner may require adequate details of structural, mechanical and electrical work including computations, stress diagrams and other essential technical data to be filed. All engineering plans and computations shall bear the signature and seal of the engineer or architect responsible for the design. Plans for buildings shall indicate how required structural and fire-resistance rating integrity will be maintained and where a penetration will be made for electrical, mechanical, plumbing, and communication conduits, pipes and systems.
- I. Amendments to Application. Subject to the limitations of amendments to a plan, application or other records accompanying the same may be filed at any time before completion of the work for which the permit is sought or issued, and such amendments shall be deemed part of the original application and shall be filed therewith.
- J. Time Limitation of Application. An application for a permit for any proposed work shall be deemed to have been abandoned ninety (90) days after date of filing, unless such application has been dili-

gently prosecuted or a permit shall have been issued; except that for reasonable cause, the Building Commissioner may grant one (1) or more extensions of time for additional periods not exceeding ninety (90) days each.

- K. Licensed Professionals. 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 structural 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.
- L. Certificate of Compliance with Code. It shall be 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 Commissioner, for his approval, any final drawings or plans for a structure which does not comply with the requirements in building provisions of this code. It shall be the duty of the Building Commissioner to require that all drawings and plans submitted to him for approval, for any building or structure, shall be accompanied by a certificate of such architect or structural engineer or professional engineer preparing such drawings and plans, that said drawings and plans comply with the requirements in the building provisions of this code.

15.101.140 Permits

- A. Action on Application. The Building Commissioner shall examine or cause to be examined all applications for permits and amendments thereto within a reasonable time after filing. If the application of the plans do not conform to the requirements of all pertinent laws, he may reject such application in writing, stating the reasons therefor. If he is satisfied that the proposed work conforms to the requirements of this code or other such laws and ordinances applicable thereto, he

shall issue a permit therefor as soon as possible.

- B. Suspension of Permit. Every permit shall become invalid unless the work authorized by such permit is not commenced within ninety (90) days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six (6) months after the time the work is commenced; provided, that, for cause, one (1) or more extension of time, for periods not exceeding ninety (90) days each, may be allowed by application, in writing to the Building Commissioner. Lack of requests for inspections shall constitute abandonment of work. In no case shall a permit be valid for a longer period of time than two (2) years.
- C. 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 Commissioner. A fee according to the fee schedule may be charged when such a transfer is effected.
- D. Renewal of Permit. Where it is shown that a hardship would occur in the foregoing requirements of this rule, the Building Commissioner, upon request, may renew or extend the permit without payment of fee. Such request for renewal or ex-

tension shall be in writing by the permittee.

- E. Previous Approvals. This code shall not require changes in the plans, construction or designated use of a building for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which shall have been actively prosecuted within ninety (90) days after the effective date of this Ordinance and completed with dispatch.
- F. Signature to Permit. The Building Commissioner shall attach his signature to every permit; or he may authorize a subordinate to affix such signature thereto.
- G. Approved Plans. The Building Commissioner shall stamp or endorse in writing both sets of corrected plans "approved" and one (1) set of such approved plans shall be retained by him and the other set shall be kept at the building site, open to inspection of the building official or his authorized representative at all reasonable times.
- H. Revocation of Permits. The Building Commissioner may revoke a permit or approval issued under the provisions of this code in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based. A building permit issued in

error shall not confer any rights or privileges to the applicant to proceed with construction, and the City shall have the power to revoke such permit.

- I. Approval of Part. The Building Commissioner 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 whole building or structure have been submitted, provided adequate information and detailed statements have been filed complying with all the pertinent requirements of all applicable codes. The holder of such permit for the foundation or other part of a building or structure shall proceed at his own risk with the building operation and without assurance that a permit for the entire structure will be granted.
- J. Posting of Permit. A true copy of the building permit shall be kept on the site of operations open to public inspection during the entire time of prosecution of the work and until the completion of the same.
- K. Failure to Obtain a Permit.
 1. If any person commences any work on a building or structure before obtaining the necessary permit from the Building Department, he shall

be subject to the penalty prescribed herein.

2. Where work is commenced before a permit is obtained, the permit fees shall be doubled.

15.101.150 Conditions of Permits

A. Payment of Fees. A permit shall not be issued until the fees prescribed herein have been paid. Permit fees are not refundable.

B. Building Permit Fees. Permit fees shall be charged as follows:

1. New building or any structure:

- a. Shelter or storage sheds (up to one hundred square feet), ten dollars.
- b. Private detached garage (up to seven hundred fifty square feet), thirty dollars.
- c. Any structure over seven hundred fifty square feet, fifty dollars.

Plus four dollars per one thousand cubic feet of volume or fractional part thereof. Volume computations are exterior measurements from the lowest part of basement or crawl space to the highest point of the roof.

2. Alterations and repairs to any structure:

- a. Reroof, twenty-five dollars.
- b. For the first four thousand of estimated cost, thirty dollars.
- c. From four thousand and one dollars to twenty-nine thousand dollars, per one thousand of estimated cost, four dollars.
- d. For each additional one thousand dollars of estimated cost or part thereof, one dollar and fifty cents.

3. Shoring, raising, underpinning or moving of any building:
 - a. Base charge, thirty dollars.
 - b. For each one thousand cubic feet of volume or fractional part thereof, one dollar and fifty cents.
4. Wrecking any building or other structure more than one story in height:
 - a. Base charge, thirty dollars.
 - b. For each one thousand cubic feet or fractional part thereof, one dollar and fifty cents.
5. Canopy or marquee, erection or alteration, twenty dollars.
6. Fences:
 - a. For the first one hundred lineal feet, fifteen dollars.
 - b. For each additional one hundred feet or part thereof, ten dollars.
7. Signs, for the erection, construction or alteration:
 - a. For the first four thousand dollars of estimated cost, thirty dollars.
 - b. For each additional one thousand dollars of estimated cost, four dollars.
8. Tanks for flammable liquids (each):
 - a. Class I and II.
 - i. Capacity of one hundred twenty-one to five hundred gallons, thirty dollars.
 - ii. For each additional one thousand gallons or fraction thereof, one dollar fifty cents.

- b. Class III and IV.
 - i. Capacity of one hundred twenty-one to five hundred fifty gallons, fifteen dollars.
 - ii. Capacity of five hundred fifty-one to one thousand gallons, thirty dollars.
 - iii. For each additional one thousand gallons or fraction thereof, one dollar and fifty cents.
- 9. Amusement devices, mechanical riding, sliding, sailing, or swinging:
 - a. Portable, for each assembly or installation, twenty-five dollars.
 - b. Permanent, installed or altered, one hundred dollars.
 - c. Temporary seating stands, one hundred dollars.
- 10. Reinspection fees:
 - a. In the event any construction, including all alterations, additions, and remodeling for which a building permit has been issued and inspection requested, fails to meet the requirements imposed by the municipal code at the time such construction is inspected by the Building Commissioner, the following reinspection fees shall be paid prior to the issuance of a certificate of occupancy:
 - i. For reinspection of footings, backfill, twenty dollars.
 - ii. For structural, electrical installation and plumbing reinspections, twenty-five dollars.
 - iii. For final reinspections prior to certificate of occupancy, thirty dollars.
 - b. The above reinspection fees shall be due

each and every time a reinspection of the construction is necessary because of failure of the construction to meet the requirements of the municipal code.

11. Plan examination fees shall be nonrefundable. For new building or any structure, shelter or storage shed, plan examination shall be as follows:
 - a. Base fee, five dollars.
 - b. Building under five hundred square feet, no additional fee.
 - c. Building five hundred square feet or over, ten percent of building permit fee to nearest dollar.
- C. Compliance with Code. The permit shall be a license to proceed with the work and shall not be construed to violate, cancel or set aside any of the provisions of this code, except as specifically stipulated by modification or legally granted variation as described in the application.
- D. Compliance with Permit. All work shall conform to the approved application and plans for which the permit has been issued and any approved amendments and/or variations thereto.
- E. Compliance with Plot Site Plan. All new work shall be located strictly in accordance with the approved plot site plan.
- F. Change in Site Plan. A lot shall not be changed, increased or diminished in area from that shown on the official plot site plan, unless a revised

plan showing such changes accompanied by the necessary affidavit of owner or applicant shall have been filed and approved.

- G. Supervision. Each building of other than one and two family residential construction shall be constructed under the supervision of an architect or engineer who meets the requirements set forth in 15.101.130 of this code and who shall be responsible for its erection in accordance with the approved plans and specifications.

15.101.160 Demolition of Structures

- A. Service Connections. Before a structure can be demolished or removed, the owner or agent shall notify all utilities having service connections within the structure such as water, electric, gas, sewer and other connections. A permit to demolish or remove a structure shall not be issued until verification is made with 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 manner.
- B. Notice to Adjoining Owners. Only when written notice has been given by the applicant to the owners of adjoining lots and to the owners of wired or other facilities, of which the temporary removal

may be necessitated by the proposed work, shall a permitted be granted for the removal of a building or structure

C. Lot Regulation. Whenever a structure is demolished or removed, the premises shall be maintained free from all unsafe or hazardous conditions by the proper regulations of the lot, restoration of established grades and the erection of the necessary retaining walls and fences in accordance with the provisions of Article 15.

D. Demolition.

1. In the case of demolition, the plot plan shall show the buildings or structures to be demolished and the buildings or structures on the same lot that are to remain.
2. Details and methods used for demolition and removal including noise, debris and smoke developed shall be included.

15.101.170 Moved Structures

A. Permit for Moving Structures.

1. No permit to move a building or structure shall be issued until notice of application thereof shall have been given to the owners of property adjoining the property upon which said building or structure is to be moved and to the owners of wires or other

impediments the temporary removal of which will be necessary, and an opportunity has been given said owners to be heard upon such application; nor until a bond has been filed with the officer of proper authority, to indemnify and save harmless the City from damage.

2. The application shall contain a written report that moving of the building will be done in a manner not adversely affecting the public health, safety and welfare.
3. The application shall contain a good and sufficient performance bond assuring that the building will be moved and the lot will be placed in a satisfactory condition.

B. General. Building and structures moved into or within the jurisdiction shall comply with the provisions of this code for new buildings and structures or other applicable codes and ordinances.

15.101.190 Certificate of Use and Occupancy

A. New Buildings. A building or structure hereafter erected 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 Commissioner.

- B. Architects or Engineers Certificate. On completion of the construction prior to the issuance of the certificate of Use and Occupancy the supervising architect or engineer who meets the requirements set forth in paragraph 15.101.130 of this code shall file a written statement to the Building Commissioner certifying that the construction has been performed in accordance with Building Code and with the plans and specifications approved by the Building Commissioner.
- C. Buildings Hereafter Altered. A building or structure hereafter enlarged, extended or altered to change from one use group to another or to a different use within the same use group, in whole or in part, and a building or structure hereafter altered for which a certificate of use and occupancy has not been heretofore issued, shall not be occupied or used until the certificate shall have been issued by the Building Commissioner.
- D. Existing Buildings. A certificate of occupancy for any existing building may be obtained by applying in writing to the Building Commissioner and supplying the information and data necessary to determine compliance with this code for the occupancy intended. When necessary, in the opinion of the Building Commissioner, two (2)

sets of detailed drawings or a general inspection, or both, may be required. When, upon examination and/or inspection, it is found that the building conforms to the provisions of this code for such occupancy, a certificate of occupancy may be issued.

- E. Changes in Use and Occupancy. After a change of use has been made in a building or structure, the re-establishment of a prior use that would not have been legal in a new building of the same type of construction is prohibited unless the building complies with all applicable provisions of this code and other applicable codes and/or ordinances. A change from one prohibited use, for which a permit has been granted, to another prohibited use shall be deemed a violation.
- F. Temporary Occupancy. Upon the request in writing of the holder of a permit, the Building Commissioner may issue a temporary certificate of occupancy for a building or structure, or part thereof, before the entire work covered by the permit shall have been completed, provided such portion or portions may be occupied safely prior to full completion of the building or structure without endangering life or public welfare. Time limit shall be imposed by the Building Commis-

sioner.

- G. Contents of Certificate. When a building or structure is entitled thereto, the Building Commissioner may issue a certificate of use and occupancy within ten (10) days after written applications and/or inspected and approved. The certificate shall certify compliance with the provisions of this code and other applicable codes, and the purpose for which the building or structure may be used in its several parts.

15.101.200 Posting Structures.

- A. 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 Commissioner, 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.
- B. 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.

- C. 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.
- D. Periodic Inspection. The Building Commissioner and/or other duly authorized official may periodically inspect or cause to be inspected all existing buildings and structures, except one 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.

15.101.210 Violations

- A. Unlawful Acts. It shall be unlawful for any person, firm, or corporation to erect, construct, alter, extend, repair, remove, demolish, use or occupy any building or structure or equipment

regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this code.

- B. Notice of Violation. The Building Commissioner shall serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, removal, demolition, use or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code; and such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.
- C. Prosecution of Violation. If the notice of violation is not complied with promptly, the Building Commissioner shall require the legal counsel of the City to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.
- D. Violation Penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall

erect, construct, alter or repair 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 assessed a fee of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00). Each day that a violation continues shall be deemed a separate offense.

- E. Abatement of Violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate 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.

15.101.220 Stop-Work Order

- A. Notice to Owner. Upon notice from the Building Commissioner that work on any building or structure is being prosecuted contrary to the provisions of this code or in an unsafe and dangerous manner such work shall be immediately stopped. The stop-work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the

work; and shall state the conditions under which the work may be resumed.

15.101.230 Unsafe Structures

- A. Right of Condemnation. All buildings or structures that are or hereafter shall become unsafe, unsanitary, or deficient in adequate exitway facilities, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare or which by reason of illegal or improper use, occupancy or maintenance, shall be deemed unsafe buildings or structures. All unsafe structures shall be taken down and removed or made safe and secure, as the duly authorized official may deem necessary and as provided in this section. A vacant building, unguarded or open at door or window, shall be deemed a fire hazard and unsafe within the meaning of this code.
- B. Examination and Record of Damaged Structure. The duly authorized official shall examine every building or structure reported as dangerous, unsafe structurally or constituting a fire hazard; and he shall cause the report to be filed in a docket of unsafe structures and premises, stating the use of the structure, the nature and estimated amount of damages, if any, caused by collapse or failure.

- C. Notice of Unsafe Structure. If an unsafe condition is found in a building or structure, the duly authorized official shall serve on the owner, agent, or person in control of the building or structure, a written notice describing the building or structure deemed unsafe and specifying the required repairs or improvements to be made to render the building or structure safe and secure, or requiring the unsafe building or structure or portion thereof to be demolished within a stipulated time. Such notice shall require the person thus notified to immediately declare to the Building Commissioner his acceptance or rejection of the terms of the order.
- D. Restoration of Unsafe Structure. A building or structure condemned by the duly authorized official may be restored to safe condition provided change of use or occupancy is not contemplated or compelled by reason of such reconstruction or restoration is in excess of fifty percent (50%) of its replacement value, exclusive of foundation, such structure shall be made to comply in all respect with the requirements for materials and methods of construction of structures hereafter erected.
- E. Posting Unsafe Notice. If the person addressed

with an unsafe notice cannot be found within the City after diligent search, then such notice 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 the equivalent of 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 conditions, the legal counsel of the jurisdiction shall be advised of all the facts and he shall institute the appropriate action to compel compliance.

15.101.240 Emergency Measures.

- A. Vacating Structures. When in the opinion of the duly authorized official, there is 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 duly authorized official is hereby authorized and empowered to order and require the inmates and occupants to vacate the same forthwith. He shall cause to be posted at each entrance to such build-

ing a notice reading as follows: "this structure is unsafe and its use or occupancy has been prohibited by the Building Commissioner, and it shall be unlawful for any person to enter such building or structure except for the purpose of making the required repairs or of demolishing the same".

- B. Temporary Safeguards. When in the opinion of the duly authorized 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, whether or not the legal procedure herein described has been instituted.
- C. 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.
- D. Emergency Repairs. For the purpose of this section, the duly authorized official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.
- E. 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.

15.101.250 Board of Survey

- A. Application for Survey. The owner of a building or structure or his duly authorized representative who has been served with an unsafe order and notice to make such structure safe, secure or habitable or to take down and remove such structure shall have the right, except in cases of emergency, to demand the appointment of a board of survey if he deems such order to be unnecessary, improper or unreasonable. Such demand shall be in writing with a statement of the reasons therefor.
- B. Constitution of Board of Survey. The board of survey shall consist of three (3) persons, one (1) of whom shall be the duly authorized official or an assistant designated by him; another one (1) shall be the owner or his legal representative, or a licensed professional engineer or architect, or a qualified builder designated by the owner; and the third (3rd) shall be a licensed professional

- engineer or architect chosen jointly by the other two (2) members, or designated by a justice of the court of record in case of failure of agreement.
- C. Compensation of Board of Survey. The third member of the board may receive for his services a fee to be paid by the appellant. This fee to be determined by the first two (2) members.
- D. Survey Procedure. The powers and duty of the board of survey shall be as indicated by the following 15.101.250 (E) and (F).
- E. Inspection of Structure. To inspect the building or structure and to confirm, modify or revoke the order of the Building Commissioner as may seem just and proper in the interest of public safety and welfare.
- F. Determination of Repair Costs. To determine the suitable cost of reconstruction, restoration or rehabilitation in the repair of an unsafe building or structure, in case of disagreement or dispute.
- G. Report. The board of survey shall determine its findings and submit a report in writing affirming or modifying the order of the Building Commissioner in whole or in part and recommending the remedial steps to be taken to render the building or structure safe.
- H. Method of Decision. The findings and determina-

tion of any two (2) members of board shall be deemed conclusive and certified copies of the report shall be filed with the Building Commissioner and with the owner or his representative and shall be binding upon the Building Commissioner and all parties in interest.

15.101.260 Board of Appeals.

- A. Application for Appeal. The owner of a building or structure or any other person may appeal a decision of the Building Commissioner refusing to grant a modification to the provisions of this code covering the manner of construction or materials to be used in the erection, alteration or repair of a building or structure to the City Council who shall act as the board of appeals. Application for appeal may be made when it is claimed that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or any equally good or better form of construction can be used.
- B. Appeals Procedure.
- C. Notice of Meeting. The board shall meet upon notice of the Mayor within ten (10) days of the filing of an appeal or at stated periodic meeting if warranted by the volume of work.

- D. Public Hearing. All hearings shall be public and the appellant, his representative, the Building Commissioner of the jurisdiction and any other person whose interests may be affected by the matter on appeal, shall be given an opportunity to be heard.
- E. Court Review. Any person aggrieved by a decision of the board of appeals, whether or not a previous party to the decision, or any officer or official board of the jurisdiction, may apply to appropriate court for a writ of certiorari to correct errors of law in such decisions. Application for review shall be made to the proper court of jurisdiction within fifteen (15) days after the filing of the board's decision in the office of the Building Commissioner.

15.101.270 Construction Control

- A. Responsibilities. The provisions of this section shall define the construction controls required for all building involving professional architecture or engineering services and delineate the responsibilities of such professional services together with those services that are the responsibility of the contractor during construction. The provisions of this section shall not include one and two family dwellings and one (1) story

accessory buildings less than one thousand square feet (1,000 sq. ft.) in area.

- B. Architect and Engineer Defined. Hereinafter the term architect and engineer, when used in this code, shall be construed to mean an architect or engineer currently registered and licensed to practice in the State of Illinois.
- C. Design. All new, alteration, repair, expansion, addition or modification work involving the practice of professional architecture or engineering as defined by the statutory requirements of the professional registration laws of the State in which the construction is to be undertaken, shall be prepared by architects or engineers. All plans, computation and specifications required for a building permit application for such work must be prepared by or under the direct supervision of an architect or engineer and bear his signature and seal in accordance with the State's statutes and regulations governing the professional registration and certification of architects or engineers (see 15.101.130).
- D. Architect/Engineer Inspectional Responsibility. The architect or engineer designer shall be responsible for:
1. Review of shop drawings, samples and other

submitted by the contractor as required by the construction contract documents as submitted for building permit, and approval for conformance to the design concept.

2. Review and approval of the contractor's quality control procedures for all code required controlled materials.
3. Special architectural or engineering professional inspection of critical construction components requiring controlled materials or construction specified in the accepted engineering practice standards listed in the applicable code.

The licensed architect or engineer shall perform the necessary professional services and be present on the construction site on a regular and periodic basis to determine that the work is proceeding in accordance with the documents approved for the building permit.

- E. Reporting. When requested by the Building Commissioner, said architect or engineer shall supply in writing drawing, computation or other details which will show the permitted project asbuilt.
- F. Construction Contractor Services. The actual construction of the work shall be the responsibility of the general contractor as identified on the

approved building permit and shall involve:

1. Execution of all work in accordance with the approved construction documents.
2. Execution and control of all methods of construction in a safe and satisfactory manner in accordance with all applicable local, state, and federal statutes and regulations.
3. Upon completion of the construction he shall in writing certify to the best of his knowledge that such has been done in a substantial accord with items 1 and 2 above and with all pertinent deviations specifically noted.

G. Special Professional Services. When applications for unusual designs or magnitude of construction are filed, or where code reference standards and/or applicable Appendix require special architect or engineer inspections, the Building Commissioner may require full time project representation by the architect or engineer in addition to that provided in 15.101.270 (D). The project representative shall keep daily records and submit reports in writing as may be required by the Building Commissioner. Upon completion of the work, the architect or engineer shall file a final report as required under 15.101.270 (E).

H. Building Permit Requirement. This 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 Commissioner shall result in the denial of the permit. However, the applicant may file an appeal as provided in 15.101.260.

I. Fee and Costs. All fees and costs related to the performance of special professional services shall be borne by the applicant.

15.101.280 Validity

A. Partial Invalidity. In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions thereof, which may or shall be determined to be legal; and it shall be presumed that this code would have been passed without such illegal or invalid parts or provisions.

B. Segregation of Invalid Provisions, Any invalid part of this code shall be segregated from the remainder of the code by the court building such part invalid, and the remainder shall remain effective.

C. Decisions Involving Existing Structures. The invalidity of any provision in any section of this code as applied to existing buildings and structures shall not be held to affect the validity of such section in its application to buildings and structures hereafter erected.

2. That Title 15 entitled "Buildings and Construction" be and is hereby amended by deleting Sections 15.04.070, 15.04.080, 15.04.100, 15.04.110, 15.04.130, 15.04.140, 15.04.150, 15.08.060, 15.08.070, 15.08,080,15,08.090, 15.08.110, 15.08,120, 15.08.130, 15.08.140, 15.08.150, and 15.08,320.

3. That after the adoption and approval hereof the Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

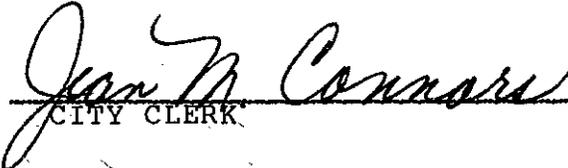
PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois, this 20th day of June, 1983.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois, this 20th day of June, 1983.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois, this 20th day of June, 1983.


MAYOR

ATTEST:



CITY CLERK

COUNCIL VOTE:
Ayes: 9
Nays: 0
Abstain:
Absent: 1

STATE OF ILLINOIS)
) SS.
COUNTY OF KANE)

C E R T I F I C A T E

I, Jean M. Connors, certify that I am the duly elected and acting municipal clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on June 20, 1983 the Corporate Authorities of such municipality passed and approved Ordinance No. 1983-M-25, entitled AN ORDINANCE

AMENDING TITLE 15, "BUILDINGS AND CONSTRUCTION", OF THE ST.

CHARLES MUNICIPAL CODE BY AMENDING CHAPTER 15.101, "ADMINIS-

TRATION, ENFORCEMENT, FEES AND PENALTIES"

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

The pamphlet form of Ordinance No. 1983-M-25, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on June 24, 1983, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this 22nd day of June 1983.

(SEAL)

Jean M. Connors
Municipal Clerk