

CITY OF ST. CHARLES

ORDINANCE NO. 1993-M-31

AN ORDINANCE AMENDING TITLE 15,
"BUILDINGS AND CONSTRUCTION,"
CHAPTER 15.28, "FIRE PREVENTION CODE,"
OF THE ST. CHARLES MUNICIPAL CODE

ADOPTED BY THE

CITY COUNCIL

OF THE

CITY OF ST. CHARLES

THIS 7TH DAY OF JUNE, 1993

PUBLISHED IN PAMPHLET FORM BY
AUTHORITY OF THE CITY COUNCIL
OF THE CITY OF ST. CHARLES,
KANE AND DU PAGE COUNTIES,
ILLINOIS, THIS 11TH DAY OF
JUNE, 1993


CITY CLERK

(S E A L)

DATE OF PUBLICATION 6/11/93
NEWSPAPER St. Charles Item

ORDINANCE NO. 1993-M-_____

AN ORDINANCE AMENDING TITLE 15, "BUILDINGS AND
CONSTRUCTION", CHAPTER 15.28, "FIRE PREVENTION CODE",
OF THE ST. CHARLES MUNICIPAL CODE

MINUTES REFER TO:
PAGE 6-7-93

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES,
KANE AND DU PAGE COUNTIES, ILLINOIS, AS FOLLOWS:

1. That Title 15, "Buildings and Construction", Chapter 15.28, "Fire Prevention Code", Section 15.28.360, "Modifications", of the St. Charles Municipal Code, be and is hereby amended by deleting said Section in its entirety and substituting therefor the following:

"Section 15.28.360: Deferral of Certain Improvements

- A. In General: Certain upgrades and improvements to buildings required under this Chapter which are designed for the protection of the owner's property, but not for the protection of life or the property of others, may be deferred for a specified amount of time, in accordance with the standards stated in this Section.
- B. Application: An Application for the Deferral of Upgrades or Improvements under this Section may be made by the owner of any building or structure to the Chief of the Fire Department, (e.g., "the Fire Chief"), on a form provided by the Fire Department, containing all information required on such form, along with the following information:
1. The legal description of the property for which deferral is requested;
 2. Proof of the current ownership of the real estate parcel, and the names and addresses of all occupants of the building or structure;
 3. If the real estate parcel is owned by a land trust, a verified identification of all beneficiaries, in compliance with the Illinois Land Trust Beneficial Interest Disclosure Act (765 ILCS 405);
 4. The specific upgrades or improvements for which deferral is requested;

5. The reasons which the Applicant relies upon as justifying the requested deferral, specifically referring to the standards for deferral set forth below;
6. A current Plat of Survey of the parcel, showing all lot lines, all existing and proposed buildings and structures located on the parcel, all adjoining streets, and the distances between the buildings or structures on the parcel to buildings or structures on adjoining parcels.
7. Any other evidence, documents or other materials available to support the Application, and to establish that the standards for deferral set forth below have been met, including any additional information requested by the Fire Chief or his designee.

The Application shall be signed and verified by the current owner, and all current occupants, of the real estate parcel for which deferral is sought.

C. Standards for Deferral of Upgrades or Improvements: The Fire Chief may permit the deferral of specific improvements or upgrades required under this Section only if the evidence submitted by the Applicant establishes each of the following conditions:

1. The deferral of the upgrades or improvements will not increase the risk to the safety of any persons on the premises, or to the property of others; and
2. Deferral of the specific improvements or upgrades is necessary to alleviate a particular hardship upon the owner, as distinguished from a mere inconvenience if the deferral is not permitted; and
3. The particular hardship is expected to be alleviated at some specific time in the future; and
4. The particular hardship was not created by any current owner or occupant of the property; and
5. The hardship to the owner would outweigh the benefits that would be obtained by immediate completion of the upgrades or improvements.

- D. Inspection of Site: Upon receipt of the Application and all supporting documents, the Applicant shall arrange for an inspection of the site, and surrounding properties, by the Fire Chief.
- E. Decision of Bureau: The Fire Chief shall either issue its permit granting the requested deferral (either in whole or in part, and subject to necessary conditions and restrictions), or deny the requested deferral. Permits granting deferrals may contain such conditions and restrictions as may be necessary to insure compliance with the standards set forth in this Title and Section, and to implement the general purpose and intent of this Title. The Permit for Deferral shall be valid only if the owner and all occupants of the parcel execute a Deferral Agreement (described in Subsection F below). The Permit for Deferral shall expire within a reasonable time after the particular hardship necessitating the deferral is expected to be alleviated; provided, however, that no Permit for Deferral shall be granted for more than five years.
- F. Deferral Agreement: Every Permit for Deferral shall be contingent upon the record owner, and all occupants of the parcel, signing a Deferral Agreement which shall legally describe the property subject to the Permit for Deferral, and shall specifically set forth all sections of this Title which are being deferred, and the expiration of the deferral period; and shall contain the agreement of the record owner of the premises to complete the required improvements and upgrades prior to the expiration of the deferral period. The Deferral Agreement shall then be recorded with the Kane County Recorder of Deeds."

2. That Title 15, "Buildings and Construction", Chapter 15.28, "Fire Prevention Code", Section 15.28.370, "Appeals", of the St. Charles Municipal Code, be and is hereby amended by deleting said Section in its entirety and substituting therefor the following:

"Section 15.28.370: Appeals

A. Any person may appeal a decision of the Chief of the Fire Department under this Title, in the following manner:

1. Appeal Step 1 - Any person may submit to the Fire Chief a Request for Reconsideration of the decision. The Fire Chief and the person filing the Request for Reconsideration shall conduct a personal meeting to discuss the Request for Reconsideration within 14 days after the Request is submitted. Within 14 days after the personal meeting, the Fire Chief shall either affirm or modify the original decision.
2. Appeal Step 2 - Any person who shall disagree with the affirmation or modification of the original decision by the Fire Chief provided for in Appeal Step 1 above, may appeal that decision to the City Council of the City of St. Charles."

3. That Title 15, "Buildings and Construction", Chapter 15.28, "Fire Prevention Code", Section 15.28.390, "Violation--Penalty", be and is hereby amended by deleting said Section in its entirety and substituting therefor the following:

"Section 15.28.390: Violation

Any violations of this Chapter shall be enforced and prosecuted in accordance with the provisions of Chapter 15.101 of the St. Charles Municipal Code. The Chief of the Fire Department shall have all of the rights and responsibilities given to the Building Commissioner under Chapter 15.101 for the prosecution and enforcement of any violations under this Chapter."

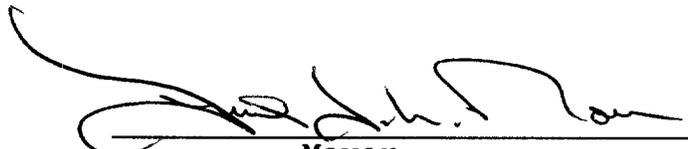
4. That after the adoption and approval hereof the Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in

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, Illinois, this 7th day of June, 1993.

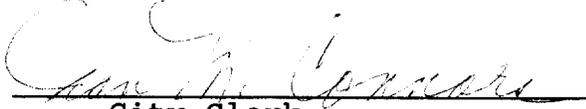
PASSED by the City Council of the City of St. Charles, Illinois, this 7th day of June, 1993.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 7th day of June, 1993.



Mayor

ATTEST:



City Clerk

COUNCIL VOTE:

Ayes: 14

Nays: 0

Absent: 0

APPROVED AS TO FORM:

City Attorney

DATE: _____

STATE OF ILLINOIS)
)
COUNTIES OF KANE AND DU PAGE) SS.

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 7, 1993 the Corporate Authorities of such municipality passed and approved Ordinance No. 1993-M-31, entitled AN ORDINANCE AMENDING TITLE 15,

"BUILDINGS & CONSTRUCTION," CHAPTER 15.28, "FIRE PREVENTION
CODE," OF THE ST. CHARLES MUNICIPAL CODE

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

The pamphlet form of Ordinance No. 1993-M-31, 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 11, 1993, 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.

JUNE DATED at St. Charles, Illinois, this 9th day of JUNE, 1993.


Municipal Clerk

(S E A L)