

City of St. Charles, Illinois

Ordinance No. 2008-M-91

**Ordinance Amending Title 2
“Administration and
Personnel” of the St. Charles
Municipal Code to Provide for
the Establishment of a
Building Board of Review**

**Adopted by the
City Council
of the
City of St. Charles
December 1, 2008**

**Published in pamphlet form by
authority of the City Council
of the City of St. Charles,
Kane and Du Page Counties,
Illinois, December 5, 2008**



City Clerk



(SEAL)

- 2.19.060 Officers.
- 2.19.070 Conduct of meetings and hearings.
- 2.19.080 Application for appeals or variations.
- 2.19.090 Procedures for appeals or variations.

2.19.010. Establishment and purpose.

There is hereby established a Building Review Board (“Board”) for the City of St. Charles. The purpose of the Board shall be to facilitate the interpretation and administration of City ordinances governing electric, plumbing, building, fire/life safety and similar regulations of the City (“Building Regulations”) and otherwise provide technical guidance to the City Council on matters relating to the same.

2.19.020 Powers and duties.

The Board shall have, exercise and perform the following powers, duties and functions:

- A. Receive, process, investigate, hold hearings on, make findings of fact and approve or deny, as hereinafter set forth, appeals (“Appeals”) or variations (“Variations”) from the requirements of Building Regulations.
- B. Upon the request of the City Council or Building or Fire Officials, review Building Regulations and make recommendations to the City Council as to the amendment thereof.
- C. Render a written annual report to the City Council of its activities, and its recommendations, if any, with respect to the enforcement or amendment of any Building Regulation; and to render such reports and recommendations as the City Council may request.
- D. Keep a separate file of every Appeal or Variation requested, and keep an accurate record of all its proceedings.
- E. Exercise and perform such other and further powers, duties and functions as may be required by City ordinance.

2.19.030 Membership-qualifications.

There shall be five (5) members of the Board, appointed by the Mayor with the advice and consent of the City Council, who shall be:

- A. A registered engineer or architect experienced in building construction.
- B. A person experienced in the construction contracting industry.
- C. A person experienced in fire suppression.

- D. A person with training and/or experience in electrical construction.
- E. A person with training and/or experience in plumbing construction.

2.19.040 Membership-terms of office.

- A. Except as provided for herein, Members shall be appointed to a term of three (3) years. Of the first five (5) Members of the Board, two (2) Members shall serve from their date of appointment through April 30, 2010, and three (3) Members shall serve from their dates of appointment through April 30, 2011.
- B. All future terms shall expire on April 30th of the last year of their respective terms. Members whose terms have expired shall continue to serve until a successor is appointed, except if a Member is removed for cause. A Member who no longer meets the requirements of membership shall no longer remain eligible to serve on the Board and said membership shall be considered vacant. The Mayor, with the advice and consent of the City Council, may fill vacancies in an unexpired term.

2.19.050 Compensation and ethics.

- A. No person shall receive compensation for serving as a Member.
- B. All Members shall comply with the State Officials and Employees Ethics Act, (5 ILCS 430/1-1 *et seq.*), as adopted by the City.

2.19.060 Officers.

The Board shall elect a chairman and such other officers as it may deem necessary at the first regular meeting in May of each year, or as soon thereafter as may be practicable. In the event of an officer's resignation from that office or from the Board, the Board shall elect a replacement officer as soon as is practicable.

2.19.070 Conduct of meetings and hearings.

- A. Meetings of the Board shall be held at the call of the chairman, and at such other times as the Board may determine.
- B. The Board shall keep minutes of its proceedings, showing the vote of each Member upon every question, or if absent or failing to vote, indicating that fact, and shall also keep records of all documents submitted to, or relied upon by the Board.

- C. Testimony presented at any hearing provided for herein shall be given under oath. The chairman, or in the chairman's absence, the acting chairman, may administer said oath.
- D. A majority of the Members then holding office shall constitute a quorum. Final action shall be taken upon measures before the Board with a concurrence of a majority of the Members present, provided a quorum is present.
- E. All meetings of the Board shall be open to the public.
- F. The Board shall provide for such other and further rules governing the conduct of its meetings as the Board deems necessary and appropriate.

2.19.080 Application for appeals or variations.

- A. Any person aggrieved by any administrative action, such as an interpretation or other decision ("Decision") made by a City officer, employee, or department, pertaining to Building Regulations, may Appeal the same by filing an Application. All such Application shall be filed within thirty (30) days of said Decision. Incomplete Applications or Applications filed after said thirty (30) days shall not be considered by the Board.
- B. Any person seeking a Variation from the requirements of the Building Regulations shall also make Application to the Board.
- C. All Applications shall be filed with the Building & Code Enforcement Division Office on a form provided by the same, which form shall require the following information:
 - 1. The name, address, and telephone number of the applicant.
 - 2. A short, concise statement of the Decision appealed or Variation requested together with the applicant's basis for the relief requested.
 - 3. A short, concise statement of the circumstances relevant to the Appeal or Variation, including the location of the relevant site.
 - 4. A copy of the Building Regulations relevant to the Appeal or Variation.
 - 5. A two hundred fifty dollar (\$250.00) administrative fee.
- D. Within fifteen (15) business days after the date of filing of an Application, the City shall determine if any additional legal, technical, and staff expenses may be incurred by the City in the course of its consideration and obtain from the applicant a guarantee in a form acceptable to the City.

- E. Applications that fail to conform with the requirements of paragraphs (C) and (D) herein shall be deemed incomplete and shall not be considered by the Board.
- F. Upon the City Clerk's determination that an Application comports with the requirements of this Chapter 2.19, the Clerk shall forward the same to the Board for consideration.

2.19.090 Procedures for appeals and variations.

- A. The Board shall meet and conduct a hearing on the Application no later than forty-five (45) days from the filing thereof, which may be continued from time to time. At said hearing, the applicant, officers, and employees of the City and any other interested person may present relevant evidence or argument pertaining to the relief requested.
- B. At the conclusion of hearings pertaining to Appeals, the Board shall sustain, modify, or overrule the Decision. The Board shall modify or overrule a Decision only if it finds that the Decision was in error or otherwise contrary to the requirements of the Building Regulations in the following respect(s):
 - 1. The Building Regulations have been incorrectly applied or interpreted.
 - 2. The unique circumstances of the particular situation clearly warrant a different application or interpretation of the Building Regulations.
 - 3. The applicant has proposed a better standard or method that comports with the intent of the Building Regulations, and offers greater protection of the public health, safety, and welfare.

If the Board finds that the Decision is in full compliance with the Building Regulations, it shall sustain the Decision and deny the Appeal even if it finds such Building Regulation is undesirable. In that event, the Board may recommend to the City Council that the Building Regulations be amended, but it shall not modify or sustain an Appeal as an alternative to such amendment.

- C. At the conclusion of hearings pertaining to Variations, the Board shall grant or deny the Variation, and issue a written report of its findings of fact."

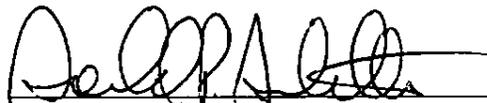
SECTION THREE: That all ordinances and resolutions, or parts thereof, in conflict herewith are repealed to the extent of said conflict.

SECTION FOUR: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PRESENTED to the City Council of the City of St. Charles, Illinois, this
1st day of December, 2008

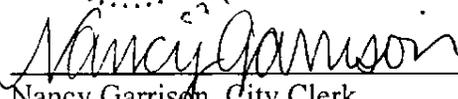
PASSED by the City Council of the City of St. Charles, Illinois, this 1st
day of December, 2008.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 1st
day of December, 2008.



Donald P. DeWitte, Mayor



ATTEST


Nancy Garrison, City Clerk

COUNCIL VOTE:

Ayes: 10

Nays: _____

Absent: _____

Abstain: _____

APPROVED AS TO FORM:

City Attorney

DATE: _____

State of Illinois)
)
) ss.
Counties of Kane and DuPage)

Certificate

I, NANCY GARRISON, certify that I am the duly elected and acting Municipal City Clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on December 1, 2008, the Corporate Authorities of such municipality passed and approved Ordinance No. 2008-M-91, entitled

"Ordinance Amending Title 2
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Personnel" of the St. Charles
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the Establishment of a
Building Board of Review,"

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

The pamphlet form of Ordinance No. 2008-M-91, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on December 5, 2008, 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 1st day of December 2008.



(S E A L)

Nancy Garrison
Municipal Clerk