

**VILLAGE OF DOWNERS GROVE  
REPORT FOR THE VILLAGE COUNCIL WORKSHOP  
OCTOBER 6, 2009 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Adoption of Updated Building Codes and a Locally Administered Elevator Safety Program.	✓ Resolution ✓ Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

**SYNOPSIS**

Ordinances have been prepared adopting the International Code Council’s (ICC) 2006 series of building and fire codes, the 2008 National Electrical Code, and updated amendments to the 2004 State of Illinois Plumbing Code. Additionally, a resolution has been prepared entering the Village into an agreement with the State of Illinois for locally administering an Elevator Safety Program.

**STRATEGIC PLAN ALIGNMENT**

The Five Year Plan and Goals for 2008-2013 identified *Exceptional Municipal Organization* with a supporting objective of *Providing Top Quality Core Services Responsive to Current and Future Community and Citizen Needs*. Also identified was the goal of *Preservation of Our Residential and Neighborhood Character* with a supporting objective of *Homes and Rental Units Up to Code*.

**FISCAL IMPACT**

N/A

**UPDATE & RECOMMENDATION**

This item was discussed at the September 22, 2009 workshop. During that meeting, the Village Council requested additional information pertaining to several items. These items are summarized below:

- Whether the use of panning and ductless returns is permitted by the 2009 Energy Conservation Code.
- When the proposed building code updates would go into effect.
- Whether the proposed building codes are more or less restrictive regarding veneer vapor barriers

Regarding the use of panning and ductless returns, a new state law mandates the use of the 2009 Energy Conservation Code. Section 403.2 deals with ducts. Under 403.2.3, "[b]uilding framing cavities shall not be used as supply ducts." However, panning may support return air flow only where the building cavity is completely sealed (403.2.2). This would require additional inspections and observation by Village inspectors.

In addition, the IRC 2006 code further restricts the practice of panning to single floor use. While an HVAC unit would be allowed return air flow via panning from the first floor, a second HVAC unit would be needed to serve a second floor. Based on this, it is likely less expensive and problematic to provide for ducted return air flow to a single HVAC unit. This concern, along with other potential issues indicated in staff’s research (centering on mold, fire and cleanliness concerns) was and remains the basis for the recommended amendment. While the recommendation to allow the use of building cavities for heating or cooling non-habitable areas remains part of staff’s proposed code amendments, the 2009 Energy Conservation Code now limits this to return air flow only.

Regarding the effective date of the proposed updates to the building codes, upon approval by the Village Council, the updated codes would be effective after 30 days.

Regarding veneer vapor barriers, in the 2007 update to the IRC's 2006 codes, several definitions were changed. Two of these dealt with "Adhered Stone or Masonry Veneer" and "Vapor Retarder Class." In both cases, the new definitions reflect advancements in the materials or installation process, or improvements in the industry's understanding of moisture removal. In both cases the new definitions mean new or refined steps are available to achieve an equal or superior outcome, compared with earlier versions of the building code.

Staff recommends approval on the October 6, 2009 active agenda.

## **BACKGROUND**

The Village's current building code was adopted in April, 2005. The building code that was adopted at that time was the 2000 edition of the ICC codes. Staff is proposing that the Village update to the 2006 edition of the ICC's building and fire codes, and the *2008 National Electrical Code*. These codes would apply to all commercial and residential buildings throughout the community. The 2006 editions are the most widely adopted codes in the western suburbs. Adoption of these codes would be consistent with comparable communities.

Additionally, since 1985, the Village has operated a local elevator safety program with Elevator Inspection Services, Inc. (EIS). This program has consisted of performing plan reviews and inspections for new and existing elevators and other types of vertical conveyances such as escalators, hoists, and platform lifts through a building permit process and annual inspections. The State of Illinois has more recently passed legislation requiring a municipality to enter into an agreement by resolution with The Office of the State Fire Marshall (OSFM) of Illinois to continue to operate a locally administered program and indicate compliance with standards at least as stringent as those of the State. The legislation was prompted by elevator accidents that had occurred in rural areas of the State that had no program in place. Currently, 166 jurisdictions, primarily in the Chicagoland area, have opted to enter into this agreement. If a municipality chose not to operate a local program, the State would directly regulate vertical conveyances within a municipality. Agreeing to the resolution would mean no change to the Village's elevator inspection program and would maintain greater scrutiny than afforded through the state program.

The specific codes targeted for adoption are:

- *2006 International Residential Code* – governs construction of one and two-family residential buildings
- *2006 International Building Code* – governs construction of all other use types
- *2006 Property Maintenance Code* – governs maintenance of all existing buildings and properties.
- *2006 International Fire Code*- governs construction and maintenance of life safety systems in commercial and multi-family buildings
- *2009 Energy Conservation Code*,
- *2006 Fuel Gas Code*,
- *2006 Mechanical Code*,
- *2008 National Electrical Code* - govern new construction in all building types
- (Note: Additional Codes already in place are the *2004 State of Illinois Plumbing Code* and the *2003 NFPA Life Safety Code*)
- Nine industry standards for vertical conveyances from ANSI, ASME, and ASCE, consistent with State requirements – governs the installation and inspection of new and existing elevators, escalators, platform lifts, hoists, and dumbwaiters

Staff emphasized the following key concepts and strategies with the code adoption proposals:

- Align all regulations with specific Strategic Plan goals.
- Produce code books that are as clear and user friendly as possible.
- Reduce the number of local amendments.
- Maintain consistency with existing ordinance provisions of the Municipal Code and provide cross references.
- Enhance clarification of the code books as written.
- Maintain and provide code provisions that address local construction practices.
- Only include amendments that measure up favorably to a benefit/cost analysis.
- Align the Village's regulations with comparable communities.
- Obtain buy-in from the area builders, developers and property managers.

The following list highlights some of the specific key components and that will be accomplished with the proposed updates:

- Several residential construction existing local amendments have been eliminated in order to follow the baseline codes representing recognized industry standards.
- Sections have been reorganized and enhanced to increase the ability to locate and understand regulations for commonly reoccurring questions.
- Several cross references to State regulations, other code book sections, and the Municipal Code have been incorporated to increase usability of all documents.
- Conflicting provisions between various code books have been eliminated as well as provisions that do not apply to this geographic area of the country.
- One overall updated administrative section will exist in the Municipal Code that applies to all the various code books being adopted.
- Some updated definitions and code provisions from the 2007 ICC code development supplement have been incorporated to increase accuracy, add clarity, and assist with code enforcement activities.
- Long standing and recognized enhanced fire safety regulations have been maintained.
- Updates and clarifications have been provided for the pre-occupancy ordinance compliance approval procedure.
- Clarification on materials that can be used for construction in certain zoning districts such as the downtown area has been added.
- State authorized standards have been incorporated that assist with sizing water service supply lines for existing residences that are being remodeled.

Staff requested input on the proposed update from the Downers Grove Chamber of Commerce, contractors, builders, developers, architects and property managers. Staff representatives met with these individuals on three occasions at the Downers Grove Chamber of Commerce. The IRC proposed amendments were presented on May 14, 2009. The Mechanical, Fuel Gas, Energy Conservation, and Property Maintenance Codes were presented on May 21, 2009. The International Building Code, Electrical, Plumbing, and Fire Code were presented on July 16, 2009.

Based on input from this group of stakeholders, some modifications were made to the proposed codes. The adjustments centered on clarifying proposed language. There were helpful dialogues and no unaddressed or significant objections to the updates or the proposed amendments. Staff recommends approval of the building codes as proposed.

**ATTACHMENT**  
Ordinance

Buildings

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING BUILDING CODE PROVISIONS**

BE IT ORDAINED by the Village Council of the Village of Downers Grove in DuPage County, Illinois, as follows: (Additions are indicated by **shading**/underline; deletions by ~~strikeout~~):

**Section 1. Section 7.1ART. is hereby renumbered to be Section 7.100.ART.**

**7.1ART. Article I. IN GENERAL**

**Section 2. That Section 7.101. is hereby added to read as follows:**

**7.101. Creation of Enforcement Agency.**

The Department of Community Development is hereby created and the official in charge thereof shall be known as the building official.

**Section 3. Section 7.12. is hereby renumbered to be Section 7.102.**

**7.12. Limitation of liability of Village employees.**

The building official or any other Village employee charged with the enforcement of the ~~Building Codes~~, acting in good faith and without malice for the Village in the discharge of his/her duties, shall not thereby render himself liable personally, and he 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 by reason of any act or omission in the discharge of his/her duties. Any suit brought against the building official or other Village employee, because of such act or omission performed by him in the enforcement of any provisions of the ~~Building Codes~~, shall be defended by the Village Attorney until final termination of the proceedings. (Ord. No. 1281, § 5; Ord. No. 1586, § 8.)

**Section 4. Section 7.13. is hereby renumbered to be Section 7.103.**

**7.13. Rights, suits, etc., under prior ordinances preserved.**

—Nothing in this chapter or in the ~~Building Codes~~ shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired, or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby, nor shall any right or remedy of any character be lost, impaired or affected by this Chapter. (Ord. No. 1281, § 12; Ord. No. 1586, § 8.)

**Section 5. Section 7.8. is hereby renumbered to be Section 7.104.**

**7.8. Definitions.**

For the purposes of the ~~Building Code~~this Article, the following words and phrases shall have the meanings respectively ascribed to them by this ~~section~~chapter:

*Applicant.* The person applying for a permit.

*Board.* The Building Board of Appeals.

*Building official.* The Director of Community Development of the Village or his/her designee.

*Code official.* The Director of Community Development of the Village or his/her designee.

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Codes. the Building Code, Residential Code, Life Safety Code, Property Maintenance Code, Energy Conservation Code, Fuel Gas Code, Mechanical Code, Electrical Code and Plumbing Code, as adopted and amended by the Village.

Council. The Village Council of the Village of Downers Grove.

Decorative facing. A finished exterior surface on a structure other than unfinished concrete block. Painted concrete block shall be considered unfinished. Provided, fluted, split faced and pre-stained concrete block, shall be permitted as a decorative facing.

Director. The Director of Community Development of the Village of Downers Grove.

Department of Building Safety and/or Department of Community Development. The Village of Downers Grove Community Development Department.

Jurisdiction. The Village of Downers Grove.

Legal counsel ~~or~~, legal officer, or legal representative. The Village Attorney for the Village of Downers Grove.

Neighboring structure, proposed structure or property. A structure, proposed structure or property that is part of a zoning lot contiguous to the same street or intersecting street and within two hundred fifty feet as measured perpendicular to and along that street or streets.

Remodeling. Any material change to the exterior structure or appearance of a structure.

Structure. Any building, accessory building, tower or sign on a zoning lot of the Village.

Work Area. The area established on plans or elsewhere in the construction documents defining the limits of the construction within a building, tenant space or site. Construction activities include alterations and additions of structural, electrical, life safety, plumbing, HVAC, roof assemblies and similar activities. Work Area will typically be the square footage established by drawing a polygonal shape around the area where physical work must occur. For the purposes of calculating fees, Work Area shall not include those areas within a building, tenant space or site where no construction work is occurring and any locations where the work is incidental to the primary work area. Such fees shall not be charged in areas where finished surfaces are opened for the sole purpose of installing and/or upgrading the fire detection and/or suppression systems. The Work Area shall be determined by the Community Development Director.

Zoning lot. A lot or combination of lots improved with a structure as defined in the Zoning Ordinance of the Village.

(Ord. No. 1281, § 8; Ord. No. 1586, § 8; Ord. No. 2143, § 3; Ord. No. 2544, § 2.)

### **Section 6. That Section 7.200.ART. is hereby added to read as follows:**

#### **7.200.ART. Article 2. BUILDING OFFICIAL**

### **Section 7. Section 7.1SEC. is hereby renumbered to be Section 7.201.**

#### **7.1SEC. Building official--Appointment.**

The Village Manager shall appoint the building official who shall serve from time to time at the pleasure of the Village Manager. (Ord. No. 1281, § 2; Ord. No. 2261, § 26.)

### **Section 8. Section 7.2. is hereby renumbered to be Section 7.202.**

#### **7.2. Building Official.**

For purposes of this Chapter, the term "building official" shall refer to the Director of Community Development of the Village or his/her designee. (Ord. No. 2544, § 1.)

### **Section 9. Section 7.3. is hereby renumbered to be Section 7.203.**

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### 7.3. Building Official--Qualifications.

To be eligible to appointment, a candidate for the position of building official shall have had experience as an architect, structural engineer, building inspector or superintendent of building construction. He shall not have any interest whatever, directly or indirectly, in the sale or manufacture of any material, process or device entering into or used in or in connection with building construction, alterations, removal or demolition. (Ord. No. 1281, § 3.)

### Section 10. Section 7.4. is hereby renumbered to be Section 7.204.

### 7.4. Building Official - Duties.

#### (A) General.

(a)—The building official shall devote his/her whole time to the duties of his/her office. He shall receive applications required by the Building Code, review construction documents, issue permits and furnish the prescribed certificates. He shall examine premises for which permits have been issued and shall make necessary inspections to see that the provisions of law are complied with and that construction is prosecuted safely. He shall enforce all provisions of the Building Code. He shall, when requested by proper authority or when the public interest so requires, make investigations in connection with matters referred to in the Building Code and render written reports on the same. To enforce compliance with law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction or to require adequate exit facilities in buildings and structures, he shall issue such notices or orders as may be necessary.

#### (B) Inspections.

(b)—Inspections required under the provisions of the Building Code shall be made by the building official or his/her duly appointed assistant. The building official may accept reports of inspectors of recognized inspection services, after investigation of their qualifications and reliability. The building official may engage expert opinions to report on unusual technical issues, subject to approval by the Village Manager or Village Council as the case may be. No certificate called for by any provision of the Building Code shall be issued on such reports unless the same are in writing and certified to by a responsible officer of such service.

#### (C) Records.

(c)—The building official shall keep comprehensive records of applications, of permits issued, of fees received, of certificates issued, of inspections made, of reports rendered and of notices or orders issued. He shall retain on file copies of required plans and all documents relating to building works so long as any part of the building or structure to which they relate may be in existence. Such records shall be retained for the period required by law.

(d)—All such records shall be open to public inspection for good and sufficient reasons at the stated office hours of the office of the building official, but shall not be removed from the office of the building official without his/her written consent.

#### (D) Reports.

(e)—The building official shall make written reports to his/her immediate superior, once each month, or often more often if requested, including statements of permits and certificates issued and orders promulgated.

#### (E) Interpretations.

The building official shall have the authority to render interpretations of these Codes and to adopt policies and procedures to clarify the application of its provisions, which shall be in compliance with the intent of these Codes and which shall not have the effect of waiving requirements specifically provided herein.

#### (F) Identification.

The building official shall carry proper identification when inspecting structures or premises in the performances of duties under these Codes.

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(Ord. No. 1281, § 4; Ord. No. 2261, § 27.)

### **Section 11. Section 7.5. is hereby renumbered to be Section 7.205.**

#### **7.5. Building Official--Cooperation of other officials.**

The building official may request and shall receive so far as may be necessary, in the discharge of his/her duties, the assistance and cooperation of other officials of the Village. (Ord. No. 1281, § 6.)

### **Section 12. Section 7.6. is hereby renumbered to be Section 7.206.**

#### **7.6. Building Official--Right of entry.**

To the extent permitted by law the building official and any appointed assistant, in the discharge of their official duties and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry. (Ord. No. 1281, § 7.)

### **Section 13. That Section 7.300.ART. is hereby added to read as follows:**

#### **7.300.ART. Article III. PERMITS**

### **Section 14. That Section 7.301. is hereby added to read as follows:**

#### **7.301. Permits Required.**

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the Building Codes, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. Work conducted in violation of this section shall be subject to a fine in accordance with Article X of this Chapter..

### **Section 15. That Section 7.302. is hereby added to read as follows:**

#### **7.302. Application for Permit.**

To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the Department of Community Development for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required.
5. State the valuation of the proposed work.
6. Be signed by the application or the applicant's authorized agent.
7. Give such other data and information as required by the building official.
8. Provide the property owners name and current address.

### **Section 16. That Section 7.303. is hereby added to read as follows:**

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### **7.303. Action on Application.**

The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefor. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefor as soon as practicable.

**Section 17. That Section 7.304. is hereby added to read as follows:**

### **7.304. Validity of Permit.**

The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of the Village.

**Section 18. Section 7.11.3. is hereby renumbered to be Section 7.305.**

### **7.11.3. Expiration of permits.**

a. All permits shall be valid for a period of one (1) year from the date of issuance with the exception of fence and demolition permits. Permits shall become invalid if the work authorized thereby is suspended or abandoned for a period of thirty (30) days after the work is commenced. All extensions of permit time shall be calculated at twenty-five percent (25%) of the original total permit fee and shall extend the life of the permit for a six (6) month period. Extensions shall be requested in writing with justifiable cause demonstrated. Fence and demolition permits shall be valid for six (6) months from the date of issuance.

~~b. One hundred percent (100%) of a permit fee shall be added if work is started without a permit.~~

~~c. No fees shall be refunded when a permit has lapsed after work is started. When a permit is revoked at the request of the applicant prior to lapsing due to time limits, and no work has been done, all but a basic fee to cover costs incurred by the building department and the plan review fee may be refunded. (Ord. No. 1791, § 1; Ord. No. 2857, § 5.)~~

**Section 19. Section 7.11.4. is hereby renumbered to be Section 7.306.**

### **7.11.4. Hours for work under permits.**

No work authorized by a permit required by the ~~Building Codes~~ that causes any noise or vibration detectable without the aid of any device or instrument at or beyond the lot line of the lot to which the permit relates shall be performed in accordance with the noise regulations as set forth in Section 15-5.1. (Ord. No. 1791, § 2.)

**Section 20. That Section 7.307. is hereby added to read as follows:**

### **7.307. Placement of Permit.**

The building permit or copy shall be conspicuously displayed on the site of the work until completion of the project.



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### **Section 21. That Section 7.308. is hereby added to read as follows:**

#### **7.308. Suspension or Revocation of Permit.**

The building official is authorized to suspend or revoke a permit issued under the provisions of the Codes wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information or in violation of any ordinance, regulation or any provision of the Codes.

### **Section 22. That Section 7.400.ART. is hereby added to read as follows:**

#### **7.400.ART. Article IV. CONSTRUCTION DOCUMENTS**

### **Section 23. That Section 7.401. is hereby added to read as follows:**

#### **7.401. Construction Documents.**

Construction documents, statement of special inspections and other data shall be submitted in two (2) or more sets with each permit application. The construction documents shall be prepared by an Illinois licensed architect or structural engineer. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the Codes and relevant laws, ordinances, rules and regulations, as determined by the building official.

### **Section 24. That Section 7.402. is hereby added to read as follows:**

#### **7.402. Site Plan.**

The construction documents prepared by an Illinois licensed design professional and submitted with the application or permit shall be accompanied by a site plan and a plat of survey showing the site and location of new construction and existing structures on the site and distances from the lot lines. The site plan shall also include the following information:

1. Any structures, or portions thereof, to be demolished;
2. Any items as indicated by Section 26.73 of the Municipal Code.

### **Section 25. That Section 7.403. is hereby added to read as follows:**

#### **7.403. Examination of Documents.**

The building official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examination, whether the work indicated and described is in accordance with the requirements of the Codes and other pertinent laws or ordinances.

### **Section 26. That Section 7.404. is hereby added to read as follows:**

#### **7.404. Approval of Construction Documents.**

When the building official issues a permit, the construction documents shall be approved in writing or by

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stamp. One set of construction documents so reviewed shall be retained by the building official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or a duly authorized representative.

**Section 27. That Section 7.405. is hereby added to read as follows:**

### **7.405. Phased Approval.**

The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of the Codes. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

**Section 28. That Section 7.406. is hereby added to read as follows:**

### **7.406. Amended Construction Documents.**

Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

**Section 29. That Section 7.500.ART. is hereby added to read as follows:**

### **7.500.ART. Article V. STOP WORK ORDER**

**Section 30. That Section 7.501. is hereby added to read as follows:**

### **7.501. Authority.**

Whenever the building official finds any work regulated by the Codes being performed in a manner either contrary to the provisions of the Codes or dangerous or unsafe, the building official is authorized to issue a stop work order.

**Section 31. That Section 7.502. is hereby added to read as follows:**

### **7.502. Issuance.**

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. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

**Section 32. That Section 7.503. is hereby added to read as follows:**

### **7.503. Unlawful Continuance.**

A violation or unsafe condition, shall be subject to penalties as prescribed this ordinance.

**Section 33. That Section 7.600.ART. is hereby added to read as follows:**

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### **7.600.ART. Article VI. INSPECTIONS**

#### **Section 34. That Section 7.601. is hereby added to read as follows:**

##### **7.601. General.**

Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

#### **Section 35. That Section 7.602. is hereby added to read as follows:**

##### **7.602. Inspections Prior to the Commencement of Work.**

For projects involving excavation, site or foundation work in excess of six hundred (600) square feet, an inspection of the pre-construction site conditions shall be required to determine compliance with the Village of Downers Grove Construction Site Management Ordinance, Article XVIII of this Chapter, prior to the commencement of construction activities on the site.

#### **Section 36. That Section 7.603. is hereby added to read as follows:**

##### **7.603. Approval Required.**

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the required inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portions shall not be covered or concealed until authorized by the building official.

#### **Section 37. Section 7.11.5. is hereby renumbered to be Section 7.604.**

##### **7.11.5. Certificates of inspection--Required.**

Upon the completion of the construction in or on any building or structure, it shall be the duty of the person doing the work to request an inspection by the Community Development Department. If such construction conforms to the requirements of this Chapter, a written certificate of satisfactory inspection shall be issued. One (1) copy of the certificate shall be delivered to the person which is to furnish electrical service, and one (1) copy shall be retained in the Village files. The certificate of inspection shall contain the date of such inspection, the location or address of the construction by street number or lot number, the name of the person actually completing the work, and the name of the person for whom the construction work was performed.

Each job for which a permit is issued shall be entitled to one (1) rough inspection and one (1) final inspection and each business or multiple family dwelling which is licensed by the Village of Downers Grove shall be entitled to one (1) inspection and one (1) re-inspection per license period. ~~The fee for additional re-inspections made necessary due to failure to correct violations discovered during the initial inspections shall be fifty dollars (\$50.00) per re-inspection.~~

#### **Section 38. That Section 7.700.ART. is hereby added to read as follows:**

### **7.700.ART. Article VII. CERTIFICATES OF OCCUPANCY**

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### **Section 39. That Section 7.701. is hereby added to read as follows:**

#### **7.701. Use and Occupancy.**

No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certification of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

### **Section 40. That Section 7.702. is hereby added to read as follows:**

#### **7.702. Certificate Issued.**

After the building official inspects the building and finds no violations of the provisions of the Codes or other laws that are enforced by the Community Development Department, the building official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the building official.
7. The edition of the Codes under which permit was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 28 of the Downers Grove Municipal Code.
9. The type of construction.
10. The design occupant load.
11. If an automatic sprinkler system is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building permit.

### **Section 41. That Section 7.703. is hereby added to read as follows:**

#### **7.703. Temporary Occupancy.**

The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set an expiration date for the temporary certificate of occupancy.

### **Section 42. That Section 7.704. is hereby added to read as follows:**

#### **7.704. Revocation.**

The building official is authorized to, in writing, suspend or revoke a certificate of occupancy issued under the provisions of the Codes wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of the Codes.

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### **Section 43. That Section 7.800.ART. is hereby added to read as follows:**

#### **7.800.ART. Article VIII. FEES**

### **Section 44. That Section 7.801. is hereby added to read as follows:**

#### **7.801. Payment of Fees.**

A permit or any amendment thereto and/or a certificate of occupancy shall not be valid or released until all fees have been paid.

### **Section 45. Section 7.11.2. is hereby renumbered to be Section 7.802.**

#### **7.11.2. Permit Fee.**

Upon application for any permit required by the ~~Building Codes~~, or any amendment thereto, the applicant shall pay a permit fee to the Village collector in accordance with the provisions of this section; any amendment to a permit shall not be approved until additional fees, if any, due to the need for a reexamination of plans shall have been paid.

No fees shall be refunded once a permit has been issued. (Ord. No. 1586, § 5; Ord. No. 2584, § 5; Ord. 3336, § 2; Ord. No. 3378, § 1.)

### **Section 46. Section 7.11. is hereby renumbered to be Section 7.803.**

#### **7.11. Inspection and permit fees.**

No permit as required by the ~~Building Codes~~ shall be issued until the fees described in this section shall have been paid to the Village collector, nor shall an amendment to a permit be approved until the additional fees, if any, due to an increase in the estimated size of the building structure shall have been paid. Fees shall be calculated based upon the Work Area ~~as defined in Section 7-8.~~

##### **A. Schedule of Demolition Permit fees:**

\$500.00 for the first 30,000 square feet, and \$33.00 per additional 100 square feet thereafter.

In addition to any demolition fee, there shall be an administrative fee assessed for required signage ~~pursuant to 7.11.1(k) 7-1801(k).~~

##### **B. Schedule of New Construction Permit Fees:**

###### **1. Accessory Buildings**

- |                              |          |
|------------------------------|----------|
| a. Less than 200 square feet | \$100.00 |
| b. 200 square feet or more   | \$425.00 |

###### **2. Residential, Non-Residential and Associated Buildings**

- |  |  |
|--|--|
| a. Basic fee (for the first 1,000 square feet) | \$1,350.00, plus an additional \$675.00 per 1,000 square feet. |
|--|--|

##### **C. Schedule of Permit Fees for Additions, Alterations and Repairs:**

- |  |   |
|--|---|
| 1. Residential                                       | \$350.00, plus additional plumbing and electrical fees set forth in the Downers Grove Municipal Code. |
| 2. Non-Residential (for the first 1,000 square feet) | \$725.00, plus an additional \$675.00 per 1,000 square feet.  |

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### D. Water for Construction or Demolition:

Temporary construction or demolition water shall be paid for at the rate established in Chapter 25.29 of the Downers Grove Municipal Code.

### E. Heating and Mechanical Ventilation Systems \$100.00

### F. Canopy, fixed Awning or Alteration:

- a. Basic fee \$100.00

### G. Inspection Fees for Elevators, Escalators, Lifts, Hoists, Dumbwaiters, Conveyors:

1. All elevators, escalators, lifts, hoists, dumbwaiters and conveyors are required to have maintenance inspections conducted twice per year, after the initial inspection. Inspection fees for each inspection required are as follows:

- i. New \$125.00  
ii. Existing \$50.00

### H. Swimming Pools and Hot Tubs (above ground and in ground) \$425.00

### I. Deck permits \$100.00

### J. Other work requiring permit (i.e. roof repair/replacement, concrete work, commercial equipment, structural repairs, etc.)

1. If value of work is less than \$25,000 - \$75.00  
2. If value of work is \$25,000 or more - \$300.00

Plumbing fixtures. Fees for inspection of plumbing fixtures installed shall be governed by the provisions of Chapter 16.

Permits for sewer and drain connections. Fees for inspection of sewer and drain connections shall be governed by the provisions of Chapter 16.

Fees for permit to erect a new sign or to repair an existing sign shall be governed by provisions of Section 28-305 of the Comprehensive Zoning Ordinance of the Village, passed and approved April 19, 1965, as amended. (Ord. No. 1281, § 10; Ord. No. 1586, § 4; Ord. No. 2913, § 2; Ord. No. 3336, § 1.)

### **Section 47. That Section 7.804. is hereby added to read as follows:**

#### **7.804. Re-Inspection Fee.**

The fee for additional re-inspections made necessary due to failure to correct violations discovered during the initial inspections shall be fifty dollars (\$50.00) per re-inspection.

### **Section 48. Section 7.11.2A. is hereby renumbered to be Section 7.805.**

#### **7.11.2A. Occupancy permit fee.**

(a) The fees to be charged for a certificate of occupancy shall be as follows:

<u>Fee</u>	<u>Certificate</u>
\$75.00	Original certificate of occupancy
\$75.00	Certificate of Ordinance Compliance

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\$75.00 Temporary certificate of occupancy for each dwelling, business, commercial or manufacturing use of a section or part of a building which is to be occupied prior to completion of the entire building which shall be good for no more than one hundred twenty (120) days.

(Ord. No. 3336, § 3; Ord. No. 3378, § 2.)

### **Section 49. That Section 7.900.ART. is hereby added to read as follows:**

#### **7.900.ART. Article IX. BUILDING BOARD OF APPEALS**

### **Section 50. That Section 7.901. is hereby added to read as follows:**

#### **7.901. Created.**

##### **(A) Appointment.**

There is hereby established in the Village a board to be called the Building Board of Appeals, consisting of seven members who are qualified by experience and training to pass upon matters pertaining to building construction and who shall be appointed by the Village Manager, subject to the approval of the Village Council. Members shall hold office for their designated terms and until their successors have been appointed. The Village Manager shall designate one of the members to serve as chairman. Members shall consist of the following: an architect, a structural engineer, and an engineer or contractor with experience in each of the following fields - fire protection, electrical, plumbing, mechanical or general contracting.

##### **(B) Term of office.**

The Village Manager shall appoint seven members for staggered terms of three years. Vacancies shall be filled for an unexpired term in the manner in which the original appointments are required to be made. Continued absence of any member from regular meetings of the board shall, at the discretion of the Village Manager, render any such member liable to immediate removal from office by the Village Manager.

##### **(C) Affirmative votes.**

In varying the application of any provision of these Codes or in modifying an order of the building official, affirmative votes of four members shall be required. No member of the board shall vote upon any question in which he, or any corporation in which he is a shareholder, or is otherwise interested.

##### **(D) Meetings and records.**

Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. All hearings before the board shall be open to the public. 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 such facts, and shall also keep records of its examinations and other official action. Such minutes and such records shall be public records.

##### **(E) Procedure.**

The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this Code.

##### **(F) Appeals.**

a. Any person aggrieved or the head of any agency of the municipality may take an appeal to the Board of Appeals from any decision of the building official.

b. An appeal may be taken within thirty days from the date of the decision appealed, by filing with the building official and with the Board of Appeals a notice of appeal, specifying the grounds thereof, except that in the case of a building or structure which in the opinion of the building official, is unsafe or dangerous, the building official may in his/her order limit the time for such appeal to a shorter period. The building official shall forthwith transmit to the Board of Appeals all the papers upon which the action appealed from was taken.

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### **(G) Modifications and variations by the Board of Appeals.**

a. The Board of Appeals, when so appealed to and after a public hearing, may vary the application of any provision of these Codes to any particular case when, in its opinion, the enforcement thereof would manifest injustice, and would be contrary to the spirit and purpose of these Codes or public interest, or when, in its opinion, the interpretation of the building official should be modified or reversed.

b. A decision of the Board of Appeals to vary the application of any provision of these Codes, or to modify an order of the building official, shall specify in what manner such variation or modification is made, the conditions upon which it is made, and the reasons therefor.

### **(H) Decisions of the Board of Appeals.**

a. The Board of Appeals shall in every case reach a decision without unreasonable or unnecessary delay. Every decision of the Board of Appeals shall be in writing and shall indicate the vote upon the decision. Every decision shall be promptly filed in the office of the building official and shall be open to public inspection. A certified copy shall be sent by mail or otherwise to the appellant and a copy shall be kept publicly posted in the office of the building official for two (2) weeks after filing.

b. If a decision of the Board of Appeals reverses or modifies a refusal, order, or disallowance of the building official, or varies the application of any provision of these Codes, the building official shall take action immediately in accordance with such decision.

### **(I) Appeals from decisions of the Board of Appeals.**

A person aggrieved by a decision of said board, whether previously a party to the proceeding or not, may, within fifteen (15) days after the filing of the decision in the office of the building official, appeal to the appropriate court to correct errors of law in such decisions.

**Section 51. That Section 7.1000.ART. is hereby added to read as follows:**

### **7.1000.ART. Article. X. PENALTIES**

**Section 52. Section 7.10. is hereby renumbered to be Section 7.1001.**

### **7.10. Penalties.**

~~—The penalty provisions contained in Sections 117.4 and 117.5 of the Building Code are hereby deleted and the provisions for penalties under such Code shall be as follows:~~

~~—"117.4. Violation penalties.~~

~~—"A person who shall violate a provision of ~~this~~ the Codes or fails to comply therewith or with any of the requirements thereof, or who shall erect, construct, add to or alter, move or demolish, or has erected, constructed, added to or altered, moved or demolished a building or structure or portion thereof, in violation of a detailed statement or plan submitted and approved thereunder, or of a permit or certificate issued thereunder, shall be guilty of a petty offense; also the owner of a building or structure, or portion thereof, or of the premises where anything in violation of ~~this~~ the Codes shall be placed or shall exist, and an architect, engineer, builder, contractor, agent, person or corporation employed in connection therewith and who assisted in the commission of such violation. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any provision of ~~this~~ the Codes is committed or continued and upon conviction of such violation each such person shall be punished as provided in Section 1-15 of the Downers Grove Municipal Code.~~

~~—"117.5. Abatement of violations.~~

~~—"The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting an appropriate action or proceeding to prevent an unlawful erection, construction, reconstruction, addition, alteration, conversion, removal, demolition, maintenance or use or to restrain, correct or abate a violation, or to prevent the occupancy of a building or structure or portion thereof, or of the premises, or to prevent an illegal act, conduct, business or use in or about any premises."— (Ord. No. 1281, §~~



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11; Ord. No. 1586, § 8; Ord. No. 2209, §§ 2,3; Ord. No. 2584, § 4; Ord. No. 2857, § 4.)

**Section 53. That Section 7.1002. is hereby added to read as follows:**

**7.1002. Notice of Violation.**

The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of these Codes, or in violation of a permit or certificate issued under the provisions of these Codes. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

**Section 54. That Section 7.1003. is hereby added to read as follows:**

**7.1003. Fines.**

One hundred percent (100%) of a permit fee shall be added if work is started without a permit in accordance with Section 1.16 of the Downers Grove Municipal Code.

**Section 55. That Section 7.1100.ART. is hereby added to read as follows:**

**7.1100.ART. Article XI. BUILDING CODE**

**Section 56. Section 7.13ART. is hereby renumbered to be Section 7.1200.ART.**

**7.13ART. Article XII. INTERNATIONAL RESIDENTIAL CODE**

**Section 57. Section 7.28ART. is hereby renumbered to be Section 7.1300.ART.**

**7.28ART. Article XIII. LIFE SAFETY CODE**

**Section 58. Section 7.34ART. is hereby renumbered to be Section 7.1400.ART.**

**7.34ART. Article XIV. PROPERTY MAINTENANCE CODE**

**Section 59. Section 7.46ART. is hereby renumbered to be Section 7.1500.ART.**

**7.46ART. Article XV. INTERNATIONAL ENERGY CONSERVATION CODE**

**Section 60. Section 7.49ART. is hereby renumbered to be Section 7.1600.ART.**

**7.49ART. Article XVI. FUEL GAS CODE**

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### **Section 61. That Section 7.52ART. is hereby amended to read as follows:**

#### **7.52ART. Article XVII. INTERNATIONAL MECHANICAL CODE**

### **Section 62. That Section 7.1800.ART. is hereby added to read as follows:**

#### **7.1800.ART. Article XVIII. SITE MANAGEMENT**

### **Section 63. Section 7.11.1. is hereby renumbered to be Section 7.1801.**

#### **7.11.1. Demolition/Construction Site Management.**

An applicant for a demolition and/or building permit (“permit applicant”) shall be responsible for safe construction site management during all phases of demolition and/or construction of permitted improvements. The following minimum standards shall be complied with prior to the commencement of work and throughout the duration of the project.

- (a) Notification. Each permit applicant that seeks a demolition permit for an existing house or garage or a building permit for any construction that will add six hundred (600) square feet or more of gross floor area to an existing house or garage shall be required to provide notification to all residents of property located within one hundred (100) feet of the subject property. Such notification shall be made no less than seven (7) days prior to the commencement of any work and shall consist of providing the residents with a copy of an informational brochure provided by the Village, disclosure of a site plan, a general explanation of the work to be done, and the name, address and telephone number of the individual supervising the work. Each permit applicant shall submit written certification, on a form provided by the Village, of personal notification to all residents of property located within one hundred (100) feet of the subject property of the pending work as a condition precedent to issuance by the Village of a permit for work on the subject property.
- (b) No structure shall be eligible for demolition unless and until the permit applicant has notified all utilities having service connections within or about the structure such as water, electric, gas, sewer, telephone and any other connections. The Village Public Works Department shall be notified to remove the water meter or the Village may give written permission to allow the permit applicant to remove the water meter. The Sanitary District must be notified regarding the capping of sanitary sewers. A permit to demolish a structure shall not be issued until a release is provided by the relevant utilities stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed or capped in a safe manner.
- (c) No structure shall be eligible for demolition unless and until the permit applicant has submitted and the Village has approved a grading and site restoration plan or an application for construction has been placed on file with the Village and the applicant has been issued an initial review letter from the Village.
- (d) The permit applicant for demolition and/or construction shall be required to install and maintain in good working order a six (6) foot high temporary chain link construction fence with driven posts around the perimeter of the lot for all residential construction, and an eight (8) foot high temporary chain link construction fence with driven posts around the perimeter of the lot for all commercial construction. For both residential and commercial areas, the fencing must have a gated opening which shall be closed when no construction or demolition activity is being performed on the site. Fencing must be installed prior to the commencement of any construction or demolition on the site and must remain in place until the final grading of the property commences. Erosion control measures (silt fencing) must be installed and maintained on the

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inside of the perimeter fence. The Director of Community Development shall have the authority to determine the fencing requirements, excluding height requirements, and/or to require a written fencing plan for construction activities. The Director shall have the discretion to determine the appropriate timing and location of the fencing requirements in order to adequately protect the health, safety and welfare of the public and the adjacent residential and commercial properties.

(e) Each tree on the property, including the parkway, must be protected with fencing, and as provided in Section 24-7 of this Code.

(f) Construction/demolition debris and refuse containment shall be required for all job sites. Containment shall occur on the property that is the subject of the permit, and shall be within a dumpster or container that shall be fully covered to prevent windblown debris. Such dumpster or container shall be set back a minimum of five (5) feet from the front lot line and a minimum of five (5) feet from the side lot line. All such dumpsters or containers shall be covered at all times when no work is being performed on the property that is the subject of the permit. Such dumpster or container shall not be located on public property, including but not limited to, parkways or sidewalks.

(g) Construction sites shall be provided with a portable toilet. The location of the portable toilet shall be set back as far as possible from all property lines to within three to four feet from the excavation but not less than a minimum of five (5) feet from the front lot line and a minimum of five (5) feet from the side lot line, and whenever possible the portable toilet shall be located in the rear yard. Such portable toilet shall not be located on public property, including but not limited to, parkways or sidewalks.

(h) The permit applicant shall maintain all construction/demolition sites free and clear of debris and refuse generated by site preparation, reconstruction or demolition of buildings and structures.

(i) The hours of construction/demolition are as follows:  
7:00 a.m. to 7:00 p.m. Monday-Saturday  
No Work on Sundays

(j) All construction work shall be limited to the permitted property. No permit issued pursuant to this Section shall authorize any entry onto the property adjoining the permitted property or any work for which entry onto property adjoining the permitted property is or may be necessary, unless a proper right of entry has been secured from the owner of such property.

(k) Posted Notice of Rules and Regulations: The applicant shall post on the permitted property in a prominent place, visible from the public right-of-way, a sign containing notice of the rules and regulations applicable to demolition and construction work. The applicant shall also post notice of the contractor's name and a phone number of the individual supervising the work. Such sign shall be posted not less than four (4) nor more than seven (7) days in advance of the commencement of work. Such sign shall be maintained on the permitted property until all work on the permitted property has been completed and approved or until removal is requested by the Director. The size, shape and message of such sign shall be established by the Director of Community Development. The sign containing notice of rules and regulations shall be obtained from the Village wherein an administrative fee shall be assessed by the Village.

(l) The noise regulations contained in Section 15-5.1 of this Code shall be applicable.

(m) The applicant shall cause all dirt, mud, gravel and other debris from the subject property or related to the work conducted on the subject property to be cleaned regularly every day from all streets and sidewalks adjoining or in the area of the subject property.

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- (n) No streets or sidewalks shall be blocked so as to prevent pedestrian or vehicular traffic. Permit applicants must comply with Section 19-44(i) of this Code regarding Traffic Control Procedures and must submit a construction site parking plan outlining the proposed location for all parking of contractor and worker vehicles. All vehicles shall comply with all Village ordinances. The Director of Community Development shall review the construction parking plan and shall either approve the plan as submitted, approve the plan with modifications and/or conditions or deny the plan. The applicant shall adhere to the terms and conditions of the approved construction parking plan. Failure to comply with the terms and conditions of the approved construction parking plan shall constitute a violation of this ordinance.
- (o) On all demolition sites and construction sites or in any situation where airborne particles may be disbursed, proper watering is required in that airborne particles shall be controlled at the property that is the subject of the permit during work hours by thoroughly saturating all portions of the structure with water. Such spraying shall be undertaken at all times necessary to thoroughly control the creation and migration of airborne particles, including without limitation, dust from the property that is the subject of the permit. The water source for control of airborne particles shall be either (i) a water tanker truck with pump capacity of one hundred (100) gallons per minute at the nozzle or (ii) an approved public water hydrant. Water shall be delivered from the water source to the subject property by a hose with a minimum diameter of 2 ½ inches, which may be reduced to 1 ½ inches when on the property that is the subject of the permit. If a public water hydrant is used, a Village water meter and proper hydrant wrench must be used after acquiring a permit from the Public Works Department in accordance with Chapter 25-11 of the Downers Grove Municipal Code. Any hose leading from a public water hydrant and crossing a driveway, street, alley or other vehicular right-of-way or path must be bridged in a manner sufficient to protect the water system.
- (p) No open burning is permitted at the demolition/construction site.
- (q) Permit applicants shall submit written acknowledgment, on a form provided by the Village, of rules for construction/demolition site management.
- (r) Permit fees shall be paid in the amount set forth in ~~Section 7-11~~ Article VIII of this Code.
- (s) A bona fide certificate of insurance shall be supplied to the Village, showing minimum insurance coverage from an insurance company with at least a B+ rating of five hundred thousand dollars (\$500,000.00) bodily injury, five hundred thousand dollars (\$500,000.00) property damage and statutory coverage for workers compensation. This shall accompany the permit applications. The building official may waive the insurance requirement for minor demolition work.
- (t) A site management cash bond in the amount of five thousand dollars (\$5,000.00) shall be deposited with the Village and shall be kept in a separate account. Such cash bond shall be in addition to all other application and processing fees, costs, escrows, bonds and performance securities required, and stand as security for the full and complete performance by the permit applicant of the work covered by the permit, insuring the initiation of construction in a timely manner and proper management of the site, subject to the following provisions:
- (i) The Village shall have the right at all times, at its option, to draw on the site management bond for the costs, including, without limitation, legal fees and administrative expenses incurred or to be incurred by the Village in exercising any of its rights under this Chapter in the event: 1) the applicant undertakes work in violation of any provision of this Chapter or of any permit issued or plan approved pursuant to this Chapter; or 2) the applicant fails or refuses to complete any work authorized by any permit issued under this Chapter in accordance with all plans approved in connection with said permit. The Village's determination of such costs shall be based either on costs actually incurred by the Village or on the

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Village's reasonable estimates of costs to be incurred.

(ii) If the Village draws on the site management bond, then the applicant shall replenish the bond to the full amount required by this section immediately after demand therefore is made to the applicant in writing by the Village. Any failure of the applicant to replenish the bond shall result in cancellation of the related permit, which permit shall not be reissued thereafter except after the filing of a new application therefore, repayment of the permit fee, and establishment of a new site management bond.

(iii) Upon certification by the building official of the satisfactory completion of the work, the balance of the cash bond shall be refunded to the permit applicant.

(u) (1) The applicant shall cause the demolition of a structure to be completed with due diligence, in good faith and without delay. The applicant shall notify the Village at least twenty-four (24) hours prior to the commencement of demolition. Once the work commences on the site, the applicant shall continuously pursue completion of the work. If no substantial work is being pursued on the site for thirty (30) consecutive days or more once the work has commenced, then the site shall be deemed abandoned. Once the Village issues a notice of abandonment the applicant shall within ten (10) days from issuance of the abandonment notice either:

(i) commence work on the site and diligently pursue completion of the demolition; or

(ii) restore the property to a final grade and grass seeded condition or commence construction activities pursuant to a valid building permit.

For purposes of this Section, completion of demolition shall be defined as removal of all portions of the structure both above ground and below ground level and restoration of the property to a final grade and grass seeded condition.

(2) Additional fee for late work: If the applicant fails to comply with this Section he/she shall pay a late work fee of two hundred fifty (\$250.00) per day for each day until such work is completed. The Village shall deduct such fee from the site management bond.

(v) Fees and Fines: Failure to comply with the minimum standards will constitute a violation of this Code, subjecting violators to a stop work order and a minimum fine of two hundred fifty dollars (\$250.00) per violation, for every day the violation exists. In addition to any other penalties provided in this Section, the Village Attorney shall have the authority to seek injunctive or other relief in the Circuit Court of DuPage County to enforce and compel compliance with the ordinance of the Village. Such injunctive action may be combined with counts seeking monetary fines as provided herein.

(i) Street Cleaning. If the applicant shall fail to clean all sidewalks and streets adjoining and in the area of the subject property, then the applicant shall pay a fine of three hundred dollars (\$300.00) for each violation. The Village shall deduct such fine from the site management bond provided in Section(t). This charge shall be in addition to any fines assessed pursuant to Ordinance. (Ord. No. 1527, § 1; Ord. No. 2918, § 1.)

### **Section 64. Section 7.22ART. is hereby renumbered to be Section 7.1900.ART.**

### **7.22ART. Article IXX. ARCHITECTURAL CONTROL**

### **Section 65. Section 7.23. is hereby repealed in its entirety**

#### **7.23. Short title.**

~~—This article shall be known and may be cited and referred to for all purposes as the Downers Grove "Architectural Control Ordinance." (Ord. No. 2126, § 1.)—~~

### **Section 66. Section 7.24. is hereby repealed in its entirety**

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### 7.24. Definitions.

~~For the purposes of this article, the following terms shall have those meanings ascribed to them as follows:~~

~~*Applicant.* The person applying for architectural approval.~~

~~*Board.* The Building Board of Appeals.~~

~~*Council.* The Village Council of the Village of Downers Grove.~~

~~*Decorative facing.* A finished exterior surface on a structure other than unfinished concrete block. Painted concrete block shall be considered unfinished. Provided, fluted, split faced and pre-stained concrete block, shall be permitted as a decorative facing.~~

~~*Director.* The Director of Community Development of the Village of Downers Grove.~~

~~*Neighboring structure, proposed structure or property.* A structure, proposed structure or property that is part of a zoning lot contiguous to the same street or intersecting street and within two hundred fifty feet as measured perpendicular to and along that street or streets.~~

~~*Remodeling.* Any material change to the exterior structure or appearance of a structure.~~

~~*Structure.* Any building, accessory building, tower or sign on a zoning lot of the Village.~~

~~*Zoning lot.* A lot or combination of lots improved with a structure as defined in the Zoning Ordinance of the Village. (Ord. No. 2126, § 1; Ord. No. 2544, § 3.)~~

### **Section 67. Section 7.25. is hereby repealed in its entirety**

### 7.25. Similarity requirements.

~~No structure shall be built or remodeled in the Village if the proposed structure is substantially similar to any other neighboring structure or proposed structure for which a building permit has been issued, in respect to three or more of the following characteristics:~~

~~1. Height of main roof ridge above the elevation of the floor.~~

~~2. Height of main roof ridge above finished grade of property.~~

~~3. Length of main roof ridge above the eaves.~~

~~4. Width and length of the structure between opposite walls measured from the exterior surfaces of such opposite walls.~~

~~5. Arrangement and size of windows, doors and ornamental work on any two elevations.~~

~~6. Color or texture of all exterior walls. (Ord. No 2126, § 1.)~~

### **Section 68. Section 7.26. is hereby renumbered to be Section 7.1901.**

### 7.26. Decorative facing required.

All Structures constructed or remodeled in the Village shall utilize decorative facing on all exterior walls in the case of new construction or in the remodeled area in the case of remodeling. (Ord. No 2126, § 1.)

### **Section 69. Section 7.27. is hereby repealed in its entirety**

### 7.27. Architectural approval.

~~Notwithstanding anything to the contrary contained in this Code or any code or ordinance of the Village, no structure or remodeling requiring a Village building permit shall be constructed without the prior written approval of the director under this article, except in planned developments where the Council has approved an architect's rendering or detailed front elevation in accordance with Section 28-1604 of the Zoning Ordinance. An application for such approval shall be made, to the director for all such construction upon or before application for a building permit. (Ord. No 2126, § 1.)~~

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### **Section 70. Section 7.28. is hereby repealed in its entirety**

#### **7.28. Enforcement; appeal to the Board.**

~~Compliance or violation of the requirements of Sections 7-25 and 7-26 shall be determined as follows:~~

~~(a) The director shall examine each application for architectural approval, which application shall include plans or drawings sufficient to reasonably inform the director of the type of building contemplated by the applicant, and determine whether Sections 7-25 and 7-26 would be violated by construction or remodeling of that proposed structure. If he determines such a violation will result, he shall within two weeks of application refuse to approve the application and notify the applicant in writing of the refusal and grounds therefor. If he determines no violation of any Village ordinance or other applicable law will result, he shall approve the application. Within thirty days after the date of receipt of notice of refusal to approve, the applicant may appeal a refusal under 7-25, to the Board by written notice to the director who shall immediately forward a copy of the notice to the manager, and then within two working days forward the applicable materials to the Board. A list of the names of all owners of neighboring structures and property shall accompany the notice to the director.~~

~~(b) The Board shall hold a hearing on all such appeals and examine and review plans, specifications and materials so forwarded by the director. At least five days prior to the hearing the Board shall mail written notice of the hearing to the applicant and owners of neighboring structures and property. After having considered all the materials and testimony from the hearing, and within two weeks of receipt by the director of notice of appeal, unless such time limit is waived by the applicant, the Board shall make a determination as follows:~~

~~(i) That 7-25 would not be violated by the proposed structure or remodeling; or~~

~~(ii) That 7-25 would be violated by the proposed structure or remodeling; or~~

~~(iii) That 7-25 would be violated by the proposed construction or remodeling, but such violation is of a nature as not to be detrimental to the stability of property values of neighboring properties.~~

~~(c) Upon a determination under (i) or (iii) above, or if the two weeks has run, the director shall approve the application. Upon determination under (ii) above, the director shall continue to refuse to approve the application. (Ord. No. 2126, § 1.)~~

### **Section 71. Section 7.14ART. is hereby renumbered to be Section 7.2000.ART.**

#### **7.14ART. Article XX. HOUSE NUMBERING**

### **Section 72. Section 7.15. is hereby renumbered to be Section 7.2001.**

#### **7.15. Required.**

All buildings fronting on public streets or highways shall be numbered. (R.O. 1925, § 276.)

### **Section 73. Section 7.16. is hereby renumbered to be Section 7.2002.**

#### **7.16. System for north and south streets.**

For streets running northerly and southerly the even numbers shall be used on the west side of the street and the odd numbers on the east side of the street. (R.O. 1925, § 277.)

### **Section 74. Section 7.17. is hereby renumbered to be Section 7.2003.**

#### **7.17. System for east and west streets.**

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For streets running easterly and westerly, the even numbers shall be used on the north side of the street and the odd numbers on the south side of the street. (R.O. 1925, § 278.)

### **Section 75. Section 7.18. is hereby renumbered to be Section 7.2004.**

#### **7.18. System for diagonal streets.**

Upon all streets, if any, which run exactly midway or forty-five degrees between the cardinal points, the even numbers shall be used on the northerly side of the street and the odd numbers on the southerly side of the street. Diagonal streets having an angle of less than forty-five degrees with respect to either north and south or east and west streets shall be numbered in the same manner as provided in Sections 7-~~16~~2002 and 7-~~17~~2003. (R.O. 1925, § 279.)

### **Section 76. Section 7.19. is hereby renumbered to be Section 7.2005.**

#### **7.19. Base line for north and south streets.**

For all streets running northerly and southerly, the system of numbering now in force in the City of Chicago at the date of the adoption of this Code shall be used. The north line of Township thirty-eight north, and its extension, the same being a continuation of Thirty-ninth Street in the City of Chicago, shall be taken as a base line.

Streets running south from Thirty-ninth Street shall begin at number thirty-nine hundred at such base line, and shall increase southerly at the rate of eight blocks for one hundred numbers each in each mile. Within each block of one hundred numbers, the northerly line of the block shall be taken as a secondary base line, and the street numbers shall begin at number one of that particular block of one hundred numbers and increase southerly at the rate of two numbers for each twenty-five feet.

Streets running northerly and southerly which do not extend to the base line shall be numbered as if they did, in fact, so extend.

The term "block" as used in this section, shall be taken to refer to a block of one hundred numbers, without reference to platted streets or avenues or their intersections. (R.O. 1925, § 281; Ord. No. 143, § 1.)

### **Section 77. Section 7.20. is hereby renumbered to be Section 7.2006.**

#### **7.20. Base line for east and west streets.**

For all streets running easterly and westerly, the center line of Section nine, Township thirty-eight north, range eleven, east of the Third Principal Meridian, and the extension of such centerline, shall be taken as a base line. Streets running west from such base line shall begin at number one at such base line and increase westerly at the rate of eight blocks of one hundred numbers each in each mile. Within each block of one hundred numbers, the easterly line of the block shall be taken as a secondary base line, and the street numbers shall begin at number one of that particular block of one hundred numbers and increase westerly at the rate of two numbers for each twenty-five feet.

Streets running easterly and westerly which do not extend to the base line shall be numbered as if they did, in fact, so extend.

The term "block", as used in this section, shall be taken to refer to a block of one hundred numbers, without reference to platted streets or avenues or their intersections. (R.O. 1925, § 282; Ord. No. 143, § 2.)

### **Section 78. Section 7.21. is hereby renumbered to be Section 7.2007.**

#### **7.21. Furnishing numbering information.**

The Director of Community Development shall have charge of maps and plats related to the numbering of houses. He shall furnish information as to the proper numbering of houses without charge.



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(R.O. 1925, § 280; Ord. No. 2857, § 6.)

### **Section 79. Section 7.22. is hereby repealed in its entirety**

**7.22. Reserved.**

~~(R.O. 1925, § 286.)~~

### **Section 80. Section 7.38ART. is hereby repealed in its entirety**

**7.38ART. Article VII. Appearance Code**

### **Section 81. Section 7.39. is hereby repealed in its entirety**

**7.39. Reserved.**

~~(Ord. No. 3310, § 1.)~~

### **Section 82. Section 7.40. is hereby repealed in its entirety**

**7.40. Jurisdiction.**

~~———— This article shall be known and may be cited as "The Downers Grove Appearance Code". The jurisdiction of the Appearance Code shall apply to exterior design features, landscaping and site plans for properties in the central design area zoned B-1, B-2 or B-3, as defined in the Comprehensive Zoning Ordinance of the Village. The Appearance Code shall also be applicable to properties within the central design area which are zoned or classified as residential, but used for commercial purposes, excluding home occupations. (Ord. No. 3310, § 1.)~~

### **Section 83. Section 7.41. is hereby repealed in its entirety**

**7.41. Reserved.**

~~(Ord. No. 3310, § 1.)~~

### **Section 84. Section 7.42. is hereby repealed in its entirety**

**7.42. Reserved.**

~~(Ord. No. 3310, § 1.)~~

### **Section 85. Section 7.43. is hereby repealed in its entirety**

**7.43. Reserved.**

~~(Ord. No. 3310, § 1.)~~

### **Section 86. Section 7.44. is hereby repealed in its entirety**

**7.44. Reserved.**

~~(Ord. No. 3310, § 1.)~~

### **Section 87. Section 7.45. is hereby repealed in its entirety**

## Buildings

### 7.45. Appeals.

~~Any person aggrieved of a decision of the Village Manager to issue or not issue a certificate may appeal said decision to the Building Board of Appeals, pursuant to the provisions of Section 7-9(n), paragraph 124.6 of the Downers Grove Building Code. (Ord. No. 3310, § 1.)~~

### **Section 88. Section 7.46. is hereby repealed in its entirety**

### 7.46. Conflict of provisions.

~~In the event of a conflict between the Appearance Code and the existing ordinances of the village, as now or hereafter amended, the standards of the Appearance Code shall control. (Ord. No. 3310, § 1.)~~

### **Section 89. That Section 1.16 is hereby amended to read as follows:**

#### **1.16 Citation and settlement in lieu of prosecution for certain offenses.**

(a) Whenever a person is observed violating certain provisions of this code as specified in this section, or there is reasonable suspicion to believe that such a violation has occurred and that a particular person is responsible, the Village may, in lieu of filing a complaint in court, issue to the alleged violator a citation which shall:

- (1) Advise said person that the same has violated a specified ordinance;
- (2) Direct said person to make payment in an amount applicable to said alleged violation as set forth in this section as settlement of said claim;
- (3) Advise said person, where applicable, to cease and/or abate said violation forthwith and to refrain from like violations in the future;
- (4) Inform said person that, upon failure to so settle the claim and to cease and/or abate said violations, a complaint will be filed in the Circuit Court of DuPage County.

(b) Except as provided below, citations as provided herein shall be personally served upon the person responsible for the violation, his agent, representative, independent contractor or employee. In the event the owner, occupant, contractor or other person responsible for the violation cannot be located the citation may be served by posting a copy at the property, structure or vehicle where the violation has occurred and sending a copy by United States mail to the last known address of such person.

(c) Any person served with a citation for violations of the following provisions of the Downers Grove Municipal Code and the Comprehensive Zoning Ordinance of the Village of Downers Grove may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said violation and paying the sum of ten dollars (\$10.00) if paid within ten (10) days of service of the citation, or twenty-five (\$25.00) dollars if paid after such ten (10) day period but before filing of a complaint in the Circuit Court of DuPage County.

#### 1. DOWNERS GROVE MUNICIPAL CODE

- (i) Section 5-12; Dog, Horse or Pony Running at Large.
- (ii) Section 5-12.1; Disposal of Dog Excrement.
- (iii) Section 13-43; Storage of Refuse.
- (iv) Section 13-49.1; Placing Garbage on the Parkway for Scavenger Removal.

#### 2. COMPREHENSIVE ZONING ORDINANCE

- (i) Section 28-1404; Regulating Off-Street Parking.

(d) Any person served with a citation for violations of the following provisions of the Downers Grove Municipal Code, and such other Codes adopted therein, may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said violation and paying the sum of twenty-five dollars (\$25.00) if paid within ten (10) days of service of the citation, or fifty dollars (\$50.00) if paid after such ten (10) day period but before filing of a complaint in the Circuit Court of DuPage

## Buildings

County.

1. DOWNERS GROVE MUNICIPAL CODE

- (i) Section 25-11; Use of Public Hydrants.
- (ii) Section 15-8; Drinking in Public.
- (iii) Section 8-99(a)(7); Requirements for Display of Massage Establishment

License.

- (iv) Section 14-74; Pedestrian's Duties at Railroad Grade Crossings.
- (v) Section 15-5.1; Noise Regulations.
- (vi) Section 19-21.1; Depositing Snow on Paved Streets.
- (vii) Section 13-49.2; Discarding Refuse and Compostable Materials in Streets,

etc., prohibited.

2. NATIONAL FIRE PROTECTION ASSOCIATION LIFE SAFETY CODE (As adopted in Section 7-29)

- (i) Section 1-3.13.1; Building Equipment Maintenance.
- (ii) Section 1-3.13.2; Building Fire Equipment and Systems Maintained in

Proper Operating Condition.

3. BUILDING OFFICIALS & CODE ADMINISTRATOR NATIONAL FIRE PREVENTION CODE (As adopted in Section 17-43)

- (i) Section F-310.4; Multi-Plug Adaptors.
- (ii) Section F-310.5; Extension Cords.
- (iii) Section F-518; Portable Fire Extinguishers.

4. COMPREHENSIVE ZONING ORDINANCE

(i) Section 28-1408; Parking of Recreational Vehicles and Recreation Equipment in Residence District.

(e) Any person served with a citation for violations of the following provisions of the Downers Grove Municipal Code, may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said violation and paying the sum of fifty dollars (\$50.00) if paid within ten (10) days of service of the citation, or one hundred dollars (\$100.00) if paid after such ten (10) day period but before filing of a complaint in the Circuit Court of DuPage County.

1. DOWNERS GROVE MUNICIPAL CODE

- (i) Section 13-35; Open Burning Prohibited.
- (ii) Section 15.23; Truancy
- (iii) Section 15-28.3; Possession of Telecommunications Devices on Public

School Property Prohibited.

- (iv) Section 17-45; Parking in Fire Lane.
- (v) Section 25-5; Regulations for Water Conservation.

2. DOWNERS GROVE PARK DISTRICT GENERAL USE ORDINANCE (pursuant to an intergovernmental agreement with the Downers Grove Park District)

(f) Any person served with a citation for violations of the following provisions of the Downers Grove Municipal Code, may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said violation and paying the sum of seventy-five dollars (\$75.00) if paid within ten (10) days of service of the citation, or one hundred and fifty dollars (\$150.00) if paid after such ten (10) day period but before filing of a complaint in the Circuit Court of DuPage County.

1. DOWNERS GROVE MUNICIPAL CODE

- (i) Section 15-23.1; Possession of Tobacco Products by Minors.
- (ii) Any provision of Chapter 6, Bicycles.
- (iii) Section 19-15.1; Skateboarding, Roller Skating or In-Line Skating in a

Business District.

- (iv) Section 28-1501.04(8) Real Estate Signs.
- (v) Section 28-1501.04(10) Garage/Rummage Sale Signs.

## Buildings

2. NATIONAL FIRE PROTECTION ASSOCIATION LIFE SAFETY CODE (As adopted in Section 7-29)

(i) Section 2-4; Obstructing Building Exits.

(g) Any person served with a citation for violations of the following provisions of the Downers Grove Municipal Code, may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said violation and paying the sum of one hundred dollars (\$100.00) if paid within ten (10) days of service of the citation, or two hundred fifty dollars (\$250.00) if paid after such ten (10) day period but before filing of a complaint in the Circuit Court of DuPage County.

1. DOWNERS GROVE MUNICIPAL CODE

(i) Section 13.38; A person who smokes in an area where smoking is prohibited under the Smoke Free Illinois Act.

(ii) Section 15-20(b); Sale of Tobacco to a Minor.

(h) Any person served with a citation for violations of the following provisions of the Downers Grove Municipal Code, may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said violation and paying the sum of two hundred fifty dollars (\$250.00) if paid within ten (10) days of service of the citation, or five hundred dollars (\$500.00) if paid after such ten (10) day period but before filing of a complaint in the Circuit Court of DuPage County.

1. DOWNERS GROVE MUNICIPAL CODE

(i) Section 3-25; Sale of Liquor to Certain Persons Prohibited.

(ii) Section 7-11.1 (a), (d), (e), (f) (g), (i), (k), (o), (p); Demolition/Construction Site Management.

(i) Any person served with a citation for violations of the following provisions of the Downers Grove Municipal Code, may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said violation and paying the sum of five hundred dollars (\$500.00) if paid within ten (10) days of service of the citation, or one thousand dollars (\$1,000.00) if paid after such ten (10) day period but before filing of a complaint in the Circuit Court of DuPage County.

1. DOWNERS GROVE MUNICIPAL CODE

(i) Section 3-25; Sale of Liquor to Certain Persons Prohibited - if Red Under 21 Identification Shown.

(j) Any person served with a citation for violations of the following provisions of the Downers Grove Municipal Code, may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said violation and paying one hundred percent (100%) of a permit fee if work is started without a permit.

1. DOWNERS GROVE MUNICIPAL CODE

(i) Section 7-301; Permit Required.(Buildings)

(ii) Section 10.4; Work to be stopped. (Electrical)

(iii) Section 16.8(b) Permit issuance. (Plumbing)

(k) Payment of the citation shall be made at the window at Village Hall, or by depositing payment in the Village drop box or United States mail.

(l) In the event that payment is not made within the time prescribed and a complaint has been filed in the Circuit Court of DuPage County, any person convicted of violating any of the provisions of this code shall be punished by a fine as determined under Section 1-15(a).

(m) The issuance of a citation under this section shall not be deemed a waiver of the power of the Village of Downers Grove to suspend, revoke or refuse to renew any license or permit for cause.

(n) The following Village personnel shall have the authority to issue citations under this section: police officers, fire department inspectors, community development officers, and such other persons as designated by the Village Manager; provided that fire department inspectors shall only write citations for violations of the Life Safety or BOCA Fire Prevention Code, and that the Village Manager, by administrative regulation, may limit the jurisdictional powers of other persons he designates as authorized to issue citations. (Ord. No. 2261, § 4)

## Buildings

**Section 90.** That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 91.** That this ordinance shall be in full force and effect November 6, 2009.

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Mayor

Passed:

Published:

Attest: \_\_\_\_\_

Village Clerk