

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

ORDINANCE NO. _____

**AN ORDINANCE ADOPTING
THE 2006 INTERNATIONAL PROPERTY MAINTENANCE CODE
AND AMENDMENTS THERETO**

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 7.35. is hereby renumbered to be Section 7.1401.

7.35. 2006 International Property Maintenance Code--Adoption.

The ~~2000~~2006 International Property Maintenance Code is hereby adopted for the purpose of protecting the public health, safety and welfare, as hereinafter provided, by 1) establishing minimum standards for basic equipment and facilities for light, ventilation, space heating and sanitation; for space, use and location; for safe and sanitary maintenance; and 2) fixing the responsibilities of owners, operators and occupants; and 3) providing for administration, enforcement and penalties in connection therewith. The same is adopted in its entirety, save and except such portions as are hereinafter deleted, modified, or amended, and is, together with such amendments, incorporated as fully as if set out at length herein. Said Code, as modified and amended, may be referred to for all purposes as the "Downers Grove Property Maintenance Code" or the "2000-International Property Maintenance Code." At least one copy of said Code, including such amendments to it as shall be enacted, shall be filed in the office of the Village Clerk, and additional copies shall be available in the Community Development Department of the Village. (Ord. No. 2900, § 2.)

Section 2. Section 7.36. is hereby repealed in its entirety

7.36. Definitions.

~~_____ For the purposes of the Property Maintenance Code adopted by Section 7.35, the following words and phrases shall have the meanings respectively ascribed to them by this section:~~

~~_____ *Code official.* The Director of Community Development of the Village.~~

~~_____ *Jurisdiction.* The Village of Downers Grove.~~

~~_____ *Legal representative.* The Village Attorney for the Village of Downers Grove. (Ord. No. 2900, § 2.)~~

Section 3. Section 7.37. is hereby renumbered to be Section 7.1402.

7.37. International Property Maintenance Code - Amendments.

The deletions from, and modifications and amendments to the ~~2000~~2006 International Property Maintenance Code as referred to in section 7.35 ~~this Article~~ are the ~~as~~ followings:

(a) Sections PM 101.1, PM 104.7, and PM 107.5 are amended by deleting the same in their entirety.

(b) Section 102.3 is amended by deleting the same in its entirety and by substituting in lieu thereof the following new Section:

~~_____ Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the 2000 International Building Code, 2000 International Mechanical Code, 2000 International Fuel Gas Code, National Electrical Codes, Illinois State Plumbing Code, The Village of Downers Grove Municipal Code or other applicable~~

2006 Property Maintenance Code

Ordinances that are presently adopted by the Village of Downers Grove.

~~(c) Section 102.7 *Referenced codes and Standards* is amended by deleting reference to ICC EC-2000 ICC Electrical Code, IPC 2000; International Plumbing Code, IZC 2000; International Zoning Code and by adding reference to the Illinois State Plumbing Code, the 2002 National Electric Code and the Downers Grove Zoning Ordinance.~~

~~(d) Section PM 111.0 is amended by deleting the same in its entirety and by substituting in lieu thereof the following new section:~~

~~—————*SECTION PM 111.0 RIGHT TO APPEAL*~~

~~*PM 111.1 Petition:* Any person affected by any notice which has been issued in connection with the enforcement of any provision of this code, or of any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the appropriate appeals board.~~

~~*PM 111.2 Appeals boards:* Appeals concerning technical matters related to the application of this code, the building code, plumbing code, or fire prevention code shall be taken to the building board of appeals in accordance with the procedures prescribed in Section 112.6 of the Downers Grove Building Code. Appeals concerning conditions of the premises or nontechnical environmental matters shall be taken to the community maintenance board, which board shall hear and process such appeals in accordance with the procedures prescribed in Section 112.6 of the Downers Grove Building Code.~~

~~(e) Chapter 1 is amended by adding thereto the following new section:~~

~~—————*SECTION PM 112.0 TRANSFER OF OWNERSHIP*~~

~~*PM 112.1 Inspection for ordinance compliance sales.* An inspection for ordinance compliance shall be required prior to the sale of any structure or part thereof other than a one family dwelling. For purposes of this section, a sale includes contract sales, exchanges, conversions to condominium, and transfers of possession or control.~~

~~*PM 112.2 Inspection for ordinance compliance rental.* An inspection for ordinance compliance shall be required prior to the rental of any structure where the use and occupancy classifications as listed in Chapter 3 of the 2000 International Building Code are used except for single family structures. For purposes of this section, a rental includes exchanges, and transfers of possession or control.~~

~~*PM 112.3 Application.* A certificate of ordinance compliance shall be applied for by the owner or seller no more than one hundred twenty days prior to the closing. Application shall be made to the code official upon forms prescribed by such official. Said certificate shall be issued by the code official after it is determined by inspection that the structure complies with Village ordinances including, but not limited to, applicable provisions of this code, the building code, zoning code, and life safety code. If, upon said inspection, the structure does not comply with the applicable ordinances, the code official shall issue a notice of violations enumerating the violations the inspection has uncovered in accordance with the provisions of section PM 107.0.~~

~~*PM 112.4 Fee:* An inspection fee of seventy five dollars (\$75.00) for each of the use and occupancy classifications as listed in Chapter 3 of the 2000 International Building Code except for single family structures, or per floor of a multi floor building shall be required upon application for a certificate of ordinance compliance.~~

~~*PM 112.5 Dwellings:* Whenever the code official has issued a notice of violations upon inspection of a two family dwelling, multi family dwelling, boarding house, dormitory or hotel, those violations must be corrected and a certificate of ordinance compliance issued prior to closing or transfer.~~

~~*PM 112.6 Nonresidential buildings:* Whenever the code official has issued a notice of violations upon inspection of a nonresidential building, the owner or seller must (1) correct those violations and secure a certificate of ordinance compliance prior to closing or transfer; or (2) furnish the grantee, transferee, mortgagee or lessee a true copy of the notice of violation issued by the code official and furnish to the code official, prior to closing or transfer, a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such notice of~~

2006 Property Maintenance Code

~~violation and fully accepting the responsibility without condition for making the corrections or repairs required by such notice of violations.~~

~~PM 112.7 Violations: Any person participating in a sale in violation of this section, either as a seller or by receipt of a sales commission in connection therewith, shall be deemed in violation of this section, and shall be punished as provided in Section PM 106.2 of this code.~~

~~(f) Section PM 302.4 is amended by deleting the same in its entirety and by substituting in lieu thereof the following:~~

~~PM 302.4 Weeds: All premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches (254 mm). A weed is defined as any plant material that invades a landscape, is out of place or interferes with the intended use of an area as well as any plant that has more undesirable qualities than good qualities. All noxious weeds as defined in Section 13-15 of this Code shall be prohibited. All landscapes and plantings shall comply with the following requirements:~~

- ~~(1) they do not pose a vision obstruction for pedestrians and motorists;~~
- ~~(2) the bed or area is properly managed and maintained and is free of weeds;~~
- ~~(3) ornamental grasses and spent flower heads of annuals and perennials shall be mowed or cut to ten (10) inches or less at least once prior to June 1 of each calendar year;~~
- ~~(4) other than trees or shrubs allowed in the Village right of way pursuant to Chapters 19 and 24 of this Code, no cultivated flowers and gardens and ornamental grasses and plants growing in the Village right of way shall create a traffic hazard at or around roadway intersections.~~

~~(g) Section 303.14 is amended by deleting the same in its entirety and by substituting in lieu thereof the following new Section:~~

~~During the period from April 1 to November 1, every door, window and other outside opening required for ventilation of a habitable room, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.~~

~~(h) Section 505.1 is amended by deleting the same in its entirety and by substituting in lieu thereof the following new Section:~~

~~Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixtures shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the latest Illinois State Plumbing Code.~~

~~(i) Section 602.2 is amended by deleting the same in its entirety and by substituting in lieu thereof the following new Section:~~

~~Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 65 degrees F (18C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature as indicated in the chart.~~

State	Station	Heating Degree Days- (year-total)	Winter	Summer Dry-Bulb- 2-1/2%	Summer Wet Bulb 2-1/2%	Degrees- North Latitude
IL	Chicago (O'Hare)	6,639	97-1/2%	89	76	42-degrees-0'

~~Cooking appliances shall not be used to provide space heating to meet the requirements of this section.~~

~~(j) Section 602.3 is amended by deleting the same in its entirety and by substituting in lieu thereof~~

2006 Property Maintenance Code

~~the following new Section:~~

~~Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1, to May 15 to maintain a temperature of not less than 65 degrees F (18C) in all habitable rooms, bathrooms and toilet rooms.~~

~~Exception:~~

~~When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. However, the inside temperature should not be lower than 50 degrees.~~

~~(k) Section 602.4 is amended by deleting the same in its entirety and by substituting in lieu thereof the following new Section:~~

~~Indoor occupiable work spaces shall be supplied with heat during the period from October 1, to May 15, to maintain a temperature of not less than 65 degrees F (18C) during the period the spaces are occupied.~~

~~(l) Section 604.2 is amended by deleting the same in its entirety and by substituting in lieu thereof the following new Section:~~

~~The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the 2002 National Electrical Code. Dwelling units shall be served by a three wire 120/240 volt, single phase electrical service having a rating of not less than 60 amperes.~~

Section 101.1 is amended to read as follows:

101.1 Title. These regulations shall be known as the Property Maintenance Code of the Village of Downers Grove, hereinafter referred to as "this code".

Section 102.6 is amended by deleting the same in its entirety.

Section 103 is amended by deleting the same in its entirety and are addressed in Chapter 7, Article I of the Downers Grove Municipal Code.

Section 104 is amended by deleting the same in its entirety and addressed in Chapter 7, Article II of the Downers Grove Municipal Code.

Section 106 is amended by deleting the same in its entirety and addressed in Chapter 7, Article X of the Downers Grove Municipal Code.

Section 107 with the Exception of Section 107.5 is amended by deleting the same in its entirety and addressed in Chapter 7, Article X of the Downers Grove Municipal Code.

Section 108.1.1.1 is hereby added as follows:

108.1.1.1 Dangerous structures or premises. For the purposes of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous:

1. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

2006 Property Maintenance Code

2. Any building or structure, because of a lack of sufficient or proper fire-resistive construction, fire protection systems, electrical, mechanical, or plumbing system, or other cause is determined by the code official to be a threat to life or health.
3. Any portion of a building remaining on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.
4. The building or structure or portion thereof, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building is likely to fall or give way.
5. Any portion of a building, structure, or appurtenance that has been damaged by fire, wind, flood, deterioration, neglect, abandonment, vandalism, or by any other cause to such an extent that it is likely to partially or completely collapse.
6. Any means of egress component such as any door, aisle, passageway, stairway, or any walking surface of these components is so warped, torn, loose, or otherwise unsafe, that there is not a safe means of egress, or conformance to the building or fire code provisions relating to existing buildings.
7. Any portion of a building, appurtenance, or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, or fastened in place so as to be capable of resisting natural or artificial loads or a design value in correlation with the International Building Code.
8. Any building or structure that has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure by local ordinances to such an extent as to present either a substantial risk of fire, building collapse, or any other threat to life and safety.

Section 108.3 is amended by deleting the following from the end of the first paragraph:

"in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2".

Section 110.2 shall be deleted in its entirety and by substituting in lieu thereof the following:

110.2 Notices and orders. All notices and orders shall comply with Chapter 7, Article X of the Downers Grove Municipal Code.

Section 110.4 shall be deleted in its entirety.

Section 111 and subsequent subsections are amended by deleting the same in their entirety and addressed in Chapter 7, Article IX of the Downers Grove Municipal Code.

Section 112 shall be added as follows:

112 PRE-OCCUPANCY ORDINANCE COMPLIANCE APPROVAL

Section 112.1 shall be added as follows:

112.1 Inspection for ordinance compliance. An inspection for compliance with all applicable ordinances of the Village of Downers Grove shall be required for any structure, building,

2006 Property Maintenance Code

commercial tenant space, multi-family common area, property, or portion thereof prior to a change of occupancy associated with a sale, rental, exchange, conversion to condominium, or transfers of possession or control. This inspection is required for all occupancy classification with the exception of one and two-family dwellings.

Section 112.2 shall be added as follows:

112.2 Application. A certificate of ordinance compliance shall be applied for by the owner or tenant no more than one hundred and twenty days prior to the change of occupancy. Application shall be made to the code official upon forms prescribed by such official

Section 112.3 shall be added as follows:

112.3 Certificate of compliance. After it is determined by inspection that the structure complies with Village ordinances including, but not limited to, applicable provisions of this code, the Village of Downers Grove Zoning Code, NFPA Life Safety Code, and the International Fire Code a certificate of ordinance compliance shall be issued. If, upon said inspection, the structure does not comply with the applicable ordinances for the intended use of the space, the code official shall prepare an inspection report enumerating the violations the inspection has uncovered. All violations must then be corrected within a time frame as determined by the Director of Community Development.

Section 112.4 shall be added as follows:

112.4 Fees. All fees related to securing the certificate of ordinance compliance shall be as set forth in Chapter 7, Article VIII of the Downers Grove Municipal Code.

Section 201.3 shall be deleted in its entirety and by substituting in lieu thereof the following:

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the International Building Code, International Residential Code, National Electrical Code, State of Illinois Plumbing Code, International Fire Code, or International Mechanical Code, such terms shall have the meanings ascribed to them as stated in those codes.

Section 302.4 shall be amended for the first sentence to read as follows:

"All premises and exterior property including right-of-way areas shall be maintained free from weeds or plant growth in excess of ten (10) inches."

Section 302.4.1 shall be added as follows:

302.4.1 Landscaping restrictions. All landscapes and plantings shall comply with the following requirements:

1. Plant material must not pose a safety hazard for the general public at any time of the year as determined by the code official.
2. Planting areas must be properly managed and maintained free of weeds.
3. Ornamental grass and flower shall be cut down to a maximum height of not more than ten (10) inches prior to June 1st of each calendar year.
4. Plant material in the Village right-of-way shall be in compliance with Chapter 19 and 24 of the Village of Downers Grove Municipal Code and shall not create a hazard at or near roadway intersections.

Section 304.1.1 shall be added as follows:

304.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code and International Fire Code as required for existing buildings. All items listed must be capable of resisting all nominal loads and load effects:

2006 Property Maintenance Code

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.
2. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, or are not properly anchored.
3. Exterior walls that are not anchored to supporting elements or are not plumb and free of holes, cracks, or breaks and loose or rotting materials.
4. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage.
5. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored.
6. Overhang extensions or projections including chutes, chimneys, canopies, signs, awnings, fire escapes, and exhaust ducts not properly anchored.
7. Exterior stairs, decks, porches, balconies, and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound or properly anchored.
8. Steel members that have been subjected to deterioration, elastic or ultimate deformation, metal fatigue, or detached, dislodged, or failing connections.
9. Woods members that have been subjected to deterioration, ultimate deformation, damage from insects or rodents, fire damage beyond charring, significant splits and checks, horizontal or vertical shear cracks, excessive cutting or notching, detached, dislodged or failing connections, inadequate support.
10. Concrete or masonry that has been subjected to deterioration, ultimate deformation, fractures, fissures, spalling, exposed reinforcement, detached dislodged or failing connections.
11. Aluminum that has been subjected to deterioration, corrosion, elastic or ultimate deformation, stress or strain cracks, joint fatigue, detached, dislodged, or failing connections.

Section 304.14 shall be amended to include the following dates:

"from April 1st to November 1st"

Section 305.1.1 shall be added as follows:

305.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code and the International Fire Code as required for existing buildings. All items listed must be capable of resisting all nominal loads and load effects:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength..
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not structurally sound or properly anchored.
3. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound or properly anchored.
4. Steel members that have been subjected to deterioration, ultimate deformation, metal fatigue, or detached, dislodged, or failing connections.
5. Wood members that have been subjected to deterioration, ultimate deformation, damage from insects or rodents, fire damage beyond charring, significant splits and checks, horizontal or vertical shear cracks, excessive cutting or notching, detached, dislodged or failing connections, or inadequate support.

Section 306.1 is amended by deleting the exception.

2006 Property Maintenance Code

Section 404.3 shall be deleted in its entirety and by substituting in lieu thereof the following:

404.3 Minimum ceiling heights. Habitable spaces, hallways, corridors, laundry areas, bathrooms, and toilet rooms shall have a clear ceiling height of not less than seven (7) feet.

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than four (4) feet on center projecting not more than six (6) inches below the required ceiling height
2. Basement rooms in one- and two-family dwellings may have a ceiling height of not less than 6 feet 8 inches, with not less than six (6) feet four (4) inches of clear height under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least seven (7) feet over not less than one half of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of five (5) feet or more shall be included.

Section 404.4 shall be deleted in its entirety and by substituting in lieu thereof the following:

404.4 Minimum room areas. Every dwelling unit shall have at least one habitable room that shall have not less than one hundred twenty (120) square feet of gross floor area.

Section 404.4.1 shall be deleted in its entirety and by substituting in lieu thereof the following:

404.4.1 Other rooms. Other habitable rooms shall have a floor area of not less than seventy (70) square feet.

Exceptions:

1. Kitchens.

Section 505.1 is amended by deleting the words "International Plumbing Code" and substituting in lieu thereof the following:

"State of Illinois Plumbing Code as adopted and amended by the Village"

Section 602.2 shall be deleted in its entirety and by substituting in lieu thereof the following:

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of sixty-eight (68) degrees in all habitable rooms, bathrooms, and toilet rooms when the temperature is above negative four (-4) degrees outside. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

Section 602.3 shall be amended by adding the following dates:

"from October 1st to May 15th"

Section 602.3 shall further be amended by deleting Exception #1 in its entirety and substituting in lieu thereof the following:

1. When the outdoor temperature is below negative four (-4) degrees, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity.

Section 602.3 shall further be amended by deleting Exception #2

Section 602.4 shall be amended by adding the following dates:

"from October 1st to May 15th"

Section 604.2 is amended by deleting the words "ICC Electrical Code" and substituting in lieu thereof the following:

"National Electrical Code as adopted and amended by the Village"

2006 Property Maintenance Code

Section 702.1 is amended by adding the words "and International Building Code".

Section 702.2 is amended by adding the words "and International Building Code".

Section 704.1 is amended by adding the words "and International Building Code".

Section 704.2 is amended by adding the words "and International Building Code".

Section 704.3 is amended by deleting the first sentence in its entirety and substituting in lieu thereof the following:

"In Group R-3 occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup.

Section 704.4 is amended by deleting the first sentence and substituting in lieu thereof the following:

"Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-3 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation on one alarm will activate all of the alarms in the individual unit.

Section 704.5 is hereby added as follows:

704.5 Carbon Monoxide Detection. Every dwelling unit shall be equipped with at least one approved carbon monoxide alarm within fifteen (15) feet of every room used for sleeping purposes. The carbon monoxide alarm may be combined with the smoke detecting devices provided that the combined unit emits an alarm in a manner that clearly differentiates the hazards. The carbon monoxide alarms may be either battery powered, plug-in with battery back-up, or wired into the structure's AC power line with a secondary battery back-up.

Referenced Standards

Delete all references to the "ICC Electrical Code" and substitute in lieu thereof the following:

"National Electrical Code as adopted and amended by the Village"

Delete all references to the "International Plumbing Code and substitute in lieu thereof the following:

"State of Illinois Plumbing Code as adopted and amended by the Village"

Delete all references to the "International Zoning Code" and substitute in lieu thereof the following:

"Downers Grove Zoning Ordinance as adopted and amended by the Village"

(Ord. No. 2900, § 2.)

Section 4. Section 7.38. is hereby renumbered to be Section 7.1403.

7.38. Penalties.

The penalty provisions contained in Section 106.4 of the 2000~~2006~~ International Property Maintenance Code adopted by ~~Section 7-35~~this Article are hereby deleted, and the provisions for

2006 Property Maintenance Code

penalties under such code shall be as follows:

PM-106.4 Penalty: Any person, firm or corporation who shall violate any provision of this Code shall, upon conviction thereof, be subject to a fine of not less than seventy-five dollars (\$75.00) and not more than seven hundred fifty dollars (\$750.00). Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense. (Ord. No. 2900, § 2.)

Section 5. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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

Mayor

Passed:

Published:

Attest: _____

Village Clerk