

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 FUEL GAS 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 7.50. is hereby renumbered to be Section 7.1601.

7.50. 2006 International Fuel Gas Code - Adopted.

The International Code Council Fuel Gas Code, as promulgated by the International Code Council ("ICC"), being particularly the ~~2000~~2006 edition thereof, is hereby adopted for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties required for such purposes. 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, and shall control in the construction of all buildings and structures therein regulated within the Village. Said Fuel Gas Code, as modified and amended, may be referred to for all purposes as the "Downers Grove Fuel Gas Code" or the "Fuel Gas 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.

Section 2. Section 7.51. is hereby repealed in its entirety

7.51. Definitions.

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

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

Section 3. Section 7.52. is hereby renumbered to be Section 7.1602.

7.52. International Fuel Gas Code - Amendments.

The deletions from and modifications and amendments to the International Fuel Gas Code as referred in Section 7-50 are the following:

~~(1) Section 101.1 is amended by deleting the same in its entirety; and replacing in lieu thereof the following:~~

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

~~Section 102.5 is amended by deleting the same in its entirety.~~

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

~~Section 102.7 is amended by deleting the same in its entirety.~~

2006 Fuel Gas Code

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 with the Exception of Section 106.2 is amended by deleting the same in its entirety and addressed in Chapter 7, Article III of the Downers Grove Municipal Code.

Section 108 with the Exception of Section 108.7 is amended by deleting the same in its entirety and addressed in Chapter 7, Article X of the Downers Grove Municipal Code.

Section 109 is amended by deleting the same in its entirety and are addressed in Chapter 7, Article IX of the Downers Grove Municipal Code.

~~(2) Section 103.1 is amended by deleting the same in its entirety.~~

~~(3) Section 103.2 is amended by deleting the same in its entirety.~~

~~(4) Section 103.3 is amended by deleting the same in its entirety.~~

~~(5) Section 106.3.1 is amended by adding the following section:~~

~~—————"Construction documents shall be stamped by an Illinois registered Architect or Mechanical Engineer."~~

~~(6) Section 106.5 is amended by deleting the same in its entirety and replacing in lieu thereof the following:~~

~~—————"A permit shall not be issued until all fees, if any, are paid."~~

~~(7) Section 106.5.2 is amended by deleting the same in its entirety.~~

~~(8) Section 106.5.3 is amended by deleting the same in its entirety and submitting in lieu thereof the following:~~

~~—————The code official shall authorize the refunding of fees as follows:~~

~~————— a. The full amount of any fees erroneously paid or collected hereunder, except that review fees and twenty five percent (25%) of the administrative fee will not be refunded.~~

~~————— b. Not more than fifty percent (50%) of the permit fee will be refunded in the event that work has not commenced within sixty (60) days of issuance of the permit.~~

~~————— c. There shall be no refund of any fees if the issuance date of the permit is sixty one (61) days old or if any work pertaining to the permit has started.~~

~~(9) Section 108.4 is amended by adding the following:~~

~~—————"an offense punishable pursuant to Section 1-15 of the Downers Grove Municipal Code" and by deleting the following: "or by imprisonment not exceeding [NUMBER OF DAYS], or both such fines and imprisonment."~~

~~(10) Section 108.5 is amended by adding the following:~~

~~—————"Guilty of an offense punishable pursuant to Section 1-15 of the Downers Grove Municipal Code."~~

2006 Fuel Gas Code

(11) ~~Section 109 is amended by deleting the same in its entirety and substituting in lieu thereof the following:~~

~~"All appeals concerning the interpretation of the Fuel Gas Code shall be heard by the Board of Appeals pursuant to Section 7.9 of the Downers Grove Municipal Code."~~

(12) ~~Section 201.3 is amended by deleting the words "ICC Electrical Code" and "International Plumbing Code" same in its entirety and substituting in lieu thereof the following:~~

~~2002 National Electrical Code, Illinois State Plumbing Code~~ **201.3 Terms defined in other codes.** Where terms are not defined in this code and are defined in the National Electrical Code, International Building Code, International Fire Code, International Mechanical Code, or the State of Illinois Plumbing Code, such terms shall have meanings ascribed to them as in those codes.

Section 301.6 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 301.11 is amended by deleting the exception.

Section 303.3 is amended by deleting condition #5.

Section 303.7 is amended by deleting the same in its entirety.

Section 305.9 is hereby added as follows:

305.9 Parking Structures. Appliances installed in enclosed, basement and underground parking structures shall be installed in accordance with NFPA 88A.

Section 305.10 is hereby added as follows:

305.10 Repair garages. Appliances installed in repair garages shall be installed in a detached building or room, separated from repair areas by walls or partitions, floors or floor ceiling assemblies that are constructed so as to prohibit the transmission of vapors and having a fire resistance rating of not less than 1 hour, and that have no openings in the wall separating the repair area within 8 feet of the floor. Wall penetrations shall be firestopped. Air for combustion purposes shall be obtained from the outdoors. The appliance room shall not be used for the storage of combustible materials.

Exceptions:

1. Overhead heaters where installed not less than eight (8) feet above the floor shall be permitted.
2. Heating appliances for vehicle repair areas where there is no dispensing or transferring of Class 1 or 2 flammable or combustible liquids or liquefied petroleum gas shall be installed in accordance with NFPA 30A.

(13) ~~Section 306.3.1~~ is amended by deleting the words "ICC Electrical Code" and substituting in lieu thereof the following:

~~2002~~ "National Electrical Code as adopted and amended by the Village"

(14) ~~Section 306.4.1~~ is amended by deleting the words "ICC Electrical Code" and substituting in lieu thereof the following:

~~2002~~ "National Electrical Code as adopted and amended by the Village"

(15) ~~Section 306.5.2~~ is amended by deleting the words "ICC Electrical Code" and substituting in lieu thereof the following:

2006 Fuel Gas Code

~~2002 National Electrical Code~~

~~(16) Section 309.2~~ is amended by deleting the words "ICC Electrical Code" and substituting in lieu thereof the following:

~~2002-~~ National Electrical Code as adopted and amended by the Village

~~(17) Section 413.89.2.4~~ is amended by deleting the words "ICC Electrical Code" and substituting in lieu thereof the following:

~~2002-~~ National Electrical Code as adopted and amended by the Village

~~(18) Section 623.1.1~~ is amended by deleting the words "International Plumbing Code" and substituting in lieu thereof the following:

~~Illinois State Plumbing Code~~

Section 504.2.9 is amended by deleting the exception.

Section 504.3.20 is amended by deleting the exception.

~~(19) Section 623.2624.1.1~~ is amended by deleting the words "International Plumbing Code" and substituting in lieu thereof the following:

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

~~(20) Referenced Standards~~ are amended by deleting the words "International Plumbing Code" and "ICC Electrical Code" and substituting in lieu thereof the following:

~~Illinois-State~~ of Illinois Plumbing Code as adopted an amended by the Village, 2002-National Electrical Code, as adopted and amended by the Village

Section 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. That this ordinance shall be in full force and effect November 6, 2009.

Mayor

Passed:

Published:

Attest: _____

Village Clerk