

**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

2003 Life Safety Code

ORDINANCE NO. _____

AN ORDINANCE AMENDING LIFE SAFETY 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 7.29. is hereby renumbered to be Section 7.1301.

7.29. 2003 National Fire Protection Life Safety Code - Adopted.

The 2003 edition of the National Fire Protection Association's Life Safety Code (also known as NFPA 101) is hereby adopted in its entirety except for those provisions which are hereinafter deleted, modified, or amended. The aforementioned Code may be referred to as the "Life Safety Code" and is adopted for the purpose of protecting the public health, safety and welfare. The Life Safety Code establishes minimum standards of construction, protection and occupancy of buildings and other structures. Additionally, it minimizes the danger to life from fire, smoke, fumes and panic by specifying minimum requirements for number, size, and arrangement of exit facilities. Lastly, it regulates all other matters which are considered essential to life safety, and provides for the administration of the various provisions and regulations.

At least one copy of the Life Safety Code, including any amendments made to it, shall be filed in the office of the Village Clerk. (Ord. No. 1790, § 1; Ord. No. 2602, § 2; Ord. No. 3186, § 3.)

Section 2. Section 7.30. is hereby renumbered to be Section 7.1302.

7.30. Definitions.

For the purposes of the Life Safety Code, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Authority having jurisdiction. The bureau of fire prevention of the Village. (Ord. No. 1790, § 1; Ord. No. 3186, § 4.)

Section 3. Section 7.31. is hereby renumbered to be Section 7.1303.

7.31. Life Safety Code - Amendments.

The amendments to the Life Safety Code referred to in Section 7-29 are the following:

None.

(Ord. No. 1790, § 1; Ord. No. 3186, § 5.)

Section 4. Section 7.32. is hereby renumbered to be Section 7.1304.

7.32. Applicability to Building Code.

If during the administration of the Life Safety Code the application of a provision or provisions of the Life Safety Code and a provision or provisions of the Building Code adopted by ~~Section 7-7~~Chapter 7, Article XI will impose standards or requirements that are inconsistent in whole or in part, the provision or provisions of the code imposing the most stringent standards or requirements shall control. (Ord No. 1790, § 1; Ord. No. 3186, § 6; Ord. No. 3327, § 1.)

Section 5. Section 7.33. is hereby renumbered to be Section 7.1305.

7.33. Appeals.

Whenever the chief of the bureau of fire prevention shall disapprove an application for a modification or exception from the provisions of the Life Safety Code or shall refuse to grant a permit applied for or when it is claimed that the provisions of the Life Safety Code adopted by this article do not apply or that the true intent and meaning of such code has been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the bureau of fire prevention to the Building Board of Appeals established pursuant to the ~~Building Code~~ in Chapter 7, Article IX within thirty days from the date of the decision. (Ord. No. 1790, § 1; Ord. No. 3186, § 7.)

Section 6. Section 7.34. is hereby renumbered to be Section 7.1306.

7.34. Violations and penalties.

(a) Any Person who shall violate any of the provisions of the Life Safety Code adopted by this article or fail to comply with any order made thereunder or who shall build in violation of any detailed statement of any specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder and from which no appeal has been taken within thirty days or who shall fail to comply with such an order as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction, within the time fixed herein, shall severally, for each such violation and noncompliance, be punishable as provided in Section 1-15. The imposition of a penalty for any violation shall not excuse the violation or permit it to continue. All such persons shall be required to correct or remedy such violations or defects within a reasonable time and, when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Ord. No. 1790, § 1; Ord. No. 3186, § 8.)

Section 7. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 8. That this ordinance shall be in full force and effect November 6, 2009.

Mayor

Passed:

Published:

Attest: _____

Village Clerk