

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
Resolution

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Fire Prevention **DATE:** October 6, 209
(Name)

RECOMMENDATION FROM: _____ **FILE REF:** _____
(Board or Department)

NATURE OF ACTION:

- Ordinance
- Resolution
- Motion
- Other

STEPS NEEDED TO IMPLEMENT ACTION:

Motion to Adopt "A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE OFFICE OF STATE FIRE MARSHALL REGARDING THE ELEVATOR SAFETY PROGRAM", as presented.

SUMMARY OF ITEM:

Adoption of the attached resolution shall authorize execution of an agreement between the Village of Downers Grove and the Office of the State Fire Marshall regarding the Elevator Safety Program.

RECORD OF ACTION TAKEN:

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE VILLAGE OF DOWNERS GROVE AND THE OFFICE OF STATE FIRE MARSHALL REGARDING THE ELEVATOR SAFETY PROGRAM

BE IT RESOLVED by the Village Council of the Village of Downers Grove, DuPage County, Illinois as follows:

1. That the form and substance of a certain Agreement (“Agreement”), between the Village of Downers Grove and the Office of the State Fire Marshall regarding the Illinois Elevator Safety Program, as set forth in the Agreement submitted to this meeting with the recommendation of the Village Manager, is hereby approved.

2. That the Village Manager and Village Clerk are hereby respectively authorized and directed for and on behalf of the Village to execute, attest, seal and deliver the Agreement, substantially in the form approved in the foregoing paragraph of this Resolution, together with such changes as the Manager shall deem necessary.

3. That the proper officials, agents and employees of the Village are hereby authorized and directed to take such further action as they may deem necessary or appropriate to perform all obligations and commitments of the Village in accordance with the provisions of the Agreement.

4. That all resolutions or parts of resolutions in conflict with the provision of this Resolution are hereby repealed.

5. That this Resolution shall be in full force and effect from and after its passage as provided by law.

Mayor

Passed:

Attest: _____
Village Clerk

ILLINOIS ELEVATOR SAFETY PROGRAM AGREEMENT

This Agreement is made between the Office of the State Fire Marshal ("OSFM") and the municipality or county ("Local Authority") as hereinafter identified.

This Agreement constitutes a contract between the OSFM and Local Authority which permits the Local Authority to operate an Elevator Safety Program ("Program") in conformity with Section 140 of the Elevator Safety Act (225 ILCS 312/140) and the Administrative Rules adopted at 41 Ill. Adm. Code 1000. In that regard, the Local Authority agrees to the following:

1. This Agreement will become effective on the date it is accepted by the OSFM.
2. The Local Authority shall submit to the OSFM, along with this Agreement executed by an officer of the Local Authority, the following information and shall notify the OSFM in writing of any changes to subsections "A" and "B" thereafter during the term of this Agreement :
 - A The name and contact information of its Program administrator.
 - B. The name and contact information of any third party inspection company under contract with the Local Authority or the name and license number of the inspector(s) employed by the Local Authority to perform such inspections.
 - C. The number and type of conveyances covered by the Program.
 - D. The number and type of conveyances NOT covered by the Program, if any.
3. The Local Authority by signing this Agreement attests to the OSFM that it has adopted by ordinance or resolution, or will do so within 30 days of the date of its signature hereto, the following Standards:

American Society of Mechanical Engineers (ASME)
Three Park Avenue
New York NY 10016-5990

- A. Safety Code for Elevators and Escalators (ASME A17.1-2007/CSA B44-07) and Performance-Based Safety Code for Elevators and Escalators (ASME A17.1-2007/CSA B44.7-07);
- B. Guide for Inspection of Elevators, Escalators, and Moving Walks (ASME A17.2-2004);
- C. Safety Code for Existing Elevators and Escalators (ASME A17.3-2005) (upgrades required by application of the Safety Code for Existing Elevators and Escalators must be completed no later than January 1, 2013 (see Public Act 095-0767);

- D. Safety Standard for Platform Lifts and Stairway Chairlifts (ASME A18.1-2005);
- E. Standard for the Qualification of Elevator Inspectors (ASME QEI-1-2007).

American National Standards Institute (ANSI)
25 West 43rd Street, 4th Floor
New York NY 10036

Safety Requirements for Personnel Hoists and Employee Elevators
(ANSI A10.4-2004).

American Society of Civil Engineers (ASCE)
1801 Alexander Bell Drive
Reston VA 20191-4400

Automated People Mover Standard (ASCE 21-05), Part 1, 2006.

Automated People Mover Standards (ANSI/ASCE/T&DI 21.2-08),
Parts 2, 3 and 4, 2008

- 4. Should the Local Authority desire to amend any of the Standards, the Local Authority must submit to the OSFM, for approval by the Illinois Elevator Safety Board ("Board"), a copy of the amendment and its reason for the change. The Board shall review the amendment and notify the Local Authority no later than 30 days after the Board meeting at which the variance request is heard of its approval or denial.
- 5. With respect to ASME A17.3-2005, *Safety Code for Existing Elevators and Escalators*, upgrades required by this Standard must be completed no later than January 1, 2013. The 2009 and 2011 requirement dates were amended 7/29/08 (Public Act 095-0767).

An Existing Elevator is an elevator contained in a building for which a building permit was issued prior to the effective date of the Administrative Rules or a conveyance for which a permit was issued for that conveyance prior to the effective date of the Administrative Rules adopted in conformance with the Elevator Safety Act.

- 6. The Local Authority by signing this Agreement agrees:
 - A. To operate its Program in compliance with the Elevator Safety Act and Administrative Rules.
 - B. To ensure that all inspections and maintenance are performed by personnel properly licensed by the State and notify the OSFM of any instances of non-compliance it becomes aware of.

- C. To amend its Program within 30 days of receipt of notice from the OSFM informing them of changes to any form, document, the Standards and/or rules that affect the Program.
- D. To provide to the OSFM by February 15th of each year, an annual report of the previous calendar year that shall identify:
 - 1) The number and types of Inspections performed during the past year;
 - 2) The number of certificates of operation issued during the past year;
 - 3) The number of permits issued for new conveyances during the past year;
 - 4) A list of conveyances identified by address and State I.D. number after conveyance is registered, that were red-tagged or put out-of-service during the past year;
 - 5) A copy of any report prepared as the result of an elevator accident that was not reported to the State; and
 - 6) A copy of any amendments to the Program's enabling ordinance or resolution adopted by the Local Authority.
- E. To submit to the OSFM beginning February 15, 2008 and thereafter on the 15th of each month, the list of conveyances inspected for the previous month identified by the State I.D.
- F. To maintain for a period of not less than one year, the following records for inspection by the OSFM:
 - 1) Copies of all inspection reports;
 - 2) Copies of all permits applications;
 - 3) Copies of all permits issued; and
 - 4) Records of the number of Certificates of Operation issued.
- G. To submit to the OSFM a copy of each permit issued.
- H. To notify the OSFM at least 90 days in advance of the date the Local Authority elects to discontinue its Program.
- I. To require all conveyances in its jurisdiction to register and pay the associated fee to the OSFM and to put out-of-service and report to the OSFM the names of the owners of those conveyances that fail to register within 30 days of determination that the conveyance is not registered.

7. In accordance with the Elevator Safety Act and the Administrative Rules, with the exception of the registration fees, the fees and procedures for applications, permits, inspection and enforcement under the Local Authority's Program shall remain the jurisdiction of the Local Authority and such procedures shall take precedence over the procedures adopted by the OSFM and Board.
8. Should the Board determine that the Program does not meet the requirements of the Elevator Safety Act or the Administrative Rules, the Board shall notify the Local Authority of the corrective actions needed to bring the Program into compliance. Should the Local Authority fail to make the corrections, the Board may, after allowing time for corrective action and after a hearing under Section 160 of the Administrative Rules, withdraw approval of the Program.
9. A copy of the Administrative Rules (41 Ill. Admin. Code 1000) will be available at "<http://www.ilga.gov/commission/jcar/admincode/titles.html>" once published.

Local Authority Name

Office of the State Fire Marshal
1035 Stevenson Drive
Springfield, IL 62703
(217) 785-0969

Signature of Officer

Accepted by:

Printed Name

Title

David B. Foreman, Fire Marshal

Address

Date

City/State/Zip

Telephone Number

Date