

ORDINANCE NO. 3302

**(Please refer to Ord. 3336, 3398, and 3570 for all amendments)**

**AN ORDINANCE ADOPTING THE 2003 INTERNATIONAL BUILDING CODE, THE 2003 INTERNATIONAL FIRE PREVENTION CODE, THE 2003 INTERNATIONAL MECHANICAL CODE, THE 2003 INTERNATIONAL PROPERTY MAINTENANCE CODE, THE 2003 INTERNATIONAL RESIDENTIAL CODE, THE 2003 INTERNATIONAL EXISTING BUILDING CODE, THE 2003 INTERNATIONAL FUEL GAS CODE AND THE 2002 NATIONAL ELECTRICAL CODE.**

**WHEREAS**, the City of O' Fallon, Illinois (the "City") has from time to time adopted certain minimum regulations governing the design, construction, alteration, enlargement, repair, demolition, removal, maintenance, and use of all buildings and structures; and

**WHEREAS**, the City adopted Ordinance #3013 that adopted the 1999 BOCA Building Code, 1998 International Property Maintenance Code, 1999 BOCA National Fire Prevention Code, 1998 International Mechanical Code, and 1998 International One and Two & Family Dwelling Code, and now desires to repeal this ordinance and subsequent amendments to it; and

**WHEREAS**, the City Council, after due deliberation and review, wishes to adopt the 2003 International Building Code, the 2003 International Fire Prevention Code, the 2003 International Mechanical Code, the 2003 International Property Maintenance Code, the 2003 International Residential Code, the 2003 International Existing Building Code, the 2003 International Fuel Gas Code and the 2002 National Electrical Code as the Building Codes of the City, and to provide penalties for violations thereof.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF O'FALLON, ILLINOIS**, as follows:

**SECTION 1:** In the event of conflicts between any provision of this Ordinance and the provisions of any previously adopted and approved Ordinance, the provisions of this Ordinance shall govern. Ordinance #3013 is hereby repealed.

**SECTION 2:** The Building Codes of the City of O'Fallon, Illinois shall consist of the following which are incorporated by reference and made a part hereof as though fully set out herein, and are hereby adopted:

(a) The “2003 International Building Code,” published by the International Code Council, Inc. including the amendments prescribed in Section 3 of this Ordinance is hereby adopted as the “Building Code of the City of O’Fallon, Illinois” (the “Building Code”);

(b) The “2003 International Fire Prevention Code”, published by the International Code Council, Inc. including the amendments prescribed in Section 4 of this Ordinance is hereby adopted as the “Fire Prevention Code of the City of O’Fallon, Illinois” (the “Fire Prevention Code”);

(c) The “2003 International Mechanical Code”, published by the International Code Council, Inc., et al. including Appendix A thereto and the amendments prescribed in Section 5 of this Ordinance is hereby adopted as the “Mechanical Code of the City of O’Fallon, Illinois” (the “Mechanical Code”);

(d) The “2003 International Property Maintenance Code”, published by the International Code Council, Inc., et al. including the amendments thereto prescribed in Section 6 of this Ordinance is hereby adopted as the Property Maintenance Code of the City of O’Fallon, Illinois” (the “Property Maintenance Code”);

(e) The “2003 International Residential Code”, published by the International Code Council, Inc., et al. including the amendments thereto prescribed in Section 7 of this Ordinance is hereby adopted as the “Residential Code of the City of O’Fallon, Illinois” (the “Residential Code”);

(f) The “2003 International Existing Building Code” published by the International Code Council, Inc., et al including the amendments thereto prescribed in Section 8 of this Ordinance is hereby adopted as the “Existing Building Code of the City of O’Fallon, Illinois” (“Existing Building Code”);

(g) The “2003 International Fuel Gas Code” published by the International Code Council, Inc., et al including the amendments thereto prescribed in Section 9 of this Ordinance is hereby adopted as the “Fuel Gas Code of the City of O’Fallon” (“Fuel Gas Code”);

(h) The “2002 National Electrical Code” published by the National Fire Protection Association, Inc. including the amendments thereto prescribed in Section 10 of this Ordinance is hereby adopted as the “Electrical Code of the City of O’Fallon, Illinois” (the “Electrical Code”).

The City Clerk is hereby authorized and directed to maintain on file in the Office of the City Clerk one (1) copy each of the Building Code, the Fire Prevention Code, the Mechanical Code, the Property Maintenance Code, the Residential Code, the Existing Building Code, the Fuel Gas Code and the Electrical Code as herein adopted (collectively, the “City Codes”).

**SECTION 3:** The Building Code is hereby amended as follows:

(a) Section 101.1 is hereby amended by substituting “City of O’Fallon, Illinois” for the words “[NAME OF JURISDICTION]”;

(b) Section 103.1 is hereby repealed and a new Section 103.1 is adopted in lieu thereof as follows:

“103.1 **Department of building safety, code official defined.** The term “department of Building Safety” as used in this code shall mean the Code Enforcement Section of the Planning and Zoning Department of the City of O’Fallon, Illinois. The term “building code official” as used in this code shall mean the duly appointed Code Official of the City of O’Fallon, Illinois and including any designee thereof.”;

(c) Section 103.2, inclusive is hereby repealed in its entirety;

(d) Section 108.2 is hereby amended by substituting “by written order or resolution of the City Council” for the words “by the applicable governing authority”,

(e) Section 108.6 is hereby repealed and a new Section 108.6 is hereby adopted in lieu thereof as follows:

“108.6 **Refunds.** No portion of any fee shall be returned to a permit holder in the case of a revocation of a building permit or a suspension, discontinuance, or abandonment of work.”;

(f) Section 112.0 is hereby repealed in its entirety and a new Section 112.0 is hereby adopted in lieu thereof as follows:

**“Section 112.0 Means of Appeal**

**112.1 Application for appeal; limitations.** Any person shall have the right to appeal to the Builders Grievance Committee established in Section 112.2 of this code from a decision of the code official or from any notice issued in connection with the enforcement of the Fire Prevention Code, the Mechanical Code, the Property Maintenance Code, the Residential Code, the Existing Building Code, the Fuel Gas Code and the Electrical Code (as applicable, “the code”). Any such appeal shall be based solely upon and shall state a claim that: (i) the true intent of the code or the rules or regulations adopted pursuant thereto have been incorrectly interpreted, (ii) the provisions of the code do not apply, or (iii) an equivalent form of construction can be used; provided that the Builders Grievance Committee shall have no authority to interpret the administrative provisions of the code nor to waive substantive requirements of the code. Any appeal under this section shall be in writing, shall contain a written statement of the grounds for the appeal and shall be filed in the office of the code official within thirty (30) days after the rendering of the decision or from the date of service of the notice from which the appeal is taken.

**112.2 Committee established; membership.** The Builders Grievance Committee hereby established shall consist of five (5) members appointed by the chief appointing authority. The members are to be qualified by experience

and training to pass on matters pertaining to the building codes. All members shall serve without compensation.

The terms of members first appointed shall be staggered as follows: one for five (5) years, one for four (4) years, one for three (3) years, one for two (2) years, and one for one (1) year. Subsequent terms shall be for five (5) years. Appointments to fill vacancies shall be for the unexpired portion of a term only.

The Committee shall annually elect one of its members to serve as chair, one of its members to serve as vice-chair, and one of its members to serve as secretary. Members so elected may be re-elected for successive terms. The Committee is hereby authorized to adopt and from time to time to amend rules of procedure for hearings under this code. The procedures shall not require compliance with strict rules of evidence but shall mandate that only relevant information shall be received.

The chief appointing authority shall appoint two alternate members who shall be called by the board chairman to hear appeals during the absence of or disqualification of a member. A member shall be disqualified to hear an appeal in which that member has a personal, professional, or financial interest in the subject matter. Alternate members shall be appointed for five-year terms. Appointments to fill vacancies shall be for the unexpired portion of a term only.

**112.3 Hearing on appeal; decisions.** The Committee shall meet to hear an appeal upon notice from the chair within thirty (30) days of the filing of the appeal. The Committee shall immediately determine whether the appeal filed complies with the jurisdictional requirements of Section 112.1 of this code. Upon so determining, the Committee may hear testimony and evidence and, upon conclusion of the hearing, may modify or reverse the decision or order of the code official by a concurring vote of three (3) members. The decision of the Committee shall be in writing and a copy shall be made available to the appellant and to the code official within a reasonable time after the vote and rendering of the decision.”

(g) The following Section (116), named “**Maintenance of Construction Sites**”, including additional regulations and requirements are hereby adopted in addition to the Building Code and are hereby incorporated as if fully set forth therein.

#### **116.1 Dumpsters**

- (1) Each building construction site shall have on-site a dumpster(s) of sufficient capacity to contain the construction debris generated by the construction activity on said site.
- (2) All construction debris from each building construction site, shall be placed in the construction site dumpster(s), by the end of each work day.
- (3) Every construction site dumpster, having been filled, shall be removed from the construction site and where appropriate, replaced with

another empty dumpster until such time as construction debris is no longer generated on the site.

#### 116.2 **Rocked Driveways**

- (1) Each commercial construction site or subdivision construction site entrance shall have its driveway or roadway (as delineated on the building permit application site plan) rocked with CA3 (3 inch minimum) to a minimum depth of 6 inches. This subsection may not be required if the permanent paved driveway or entry road is in place and can be used by all construction equipment or delivery vehicles.
- (2) Each residential building construction site shall have its driveway (as delineated on the building permit application site plan) rocked with CA 6 to a minimum depth of 3 inches.
- (3) Rock drives or roadways must be constructed and maintained on stable soil in order to maintain the desired intent or the rock shall be replaced and/or soil stabilization may be required, as directed by the Code Official.
- (4) All deliveries of building materials, of all kinds, shall be made using the rocked road or driveway, without exception.

#### 116.3 **Sanitary Facilities**

- (1) Each building construction site shall provide sanitary facilities (including toileting and hand washing facilities) for the convenience of all workers and shall be discharged into a sanitary sewer or if the facility is portable, it shall be an enclosed, chemically-treated tank tight unit. All non-sewered units shall be pumped regularly to assure adequate working and sanitary facilities.

#### 116.4 **Responsibility**

- (1) It shall be the responsibility of the permit holder and any individual or company acting under the direction of the permit holder to ensure compliance of all provisions of Section 116.

### **SECTION 4:** The Fire Prevention Code is hereby amended as follows:

(a) Section 101.1 is hereby amended by substituting “City of O’Fallon, Illinois” for the words “[NAME OF JURISDICTION]” and by adding the sentence, “The term “jurisdiction” wherever appearing in this code shall mean the City of O’Fallon, Illinois.”;

(b) Section 103 “Department of Fire Prevention” is hereby amended as follows:

“103.1 **Department of Fire Prevention and Fire Code Official, defined.** The term “Department of Fire Prevention” as used in this code shall mean the Code Enforcement Section of the Planning and Zoning Department of the City of O’Fallon,

II. The term “fire code official as used in this code shall mean the duly appointed Code Official of the City of O’Fallon, Illinois and any designee thereof.”

(c) Section 103.2 is hereby repealed in its entirety;

(d) Section 104.1 General, is hereby amended by adding the following text, “The Code Official shall not exercise any authority over fire service features regarding fire scenes or any other sections of this code that pertain to operation of and/or duties performed by the O’Fallon Fire Department. Those duties and authority remain with the O’Fallon Fire Chief or his designee”.

(e) Section 105, **Permits** is hereby amended by adding Section 105.1.2 hereby adopted as follows:

“105.1.2 **Fee schedule.** A fee for each plan examination, building permit, and inspection shall be paid to the City Clerk at the rate or rates established by written order or resolution of the City Council.”;

(f) Section 108.0 is hereby repealed in its entirety and a new Section 108.0 is hereby adopted in lieu thereof as follows:

**“Section 108.0 Means of Appeal**

**108.1 Means of Appeal.** Any person affected by a decision of the code official or a notice or order issued under this code shall have the right of appeal to the Builders Grievance Committee, established by section 112.0 of the Building Code, which shall additionally govern the grounds and regulate the procedures for such appeals.”

(g) Section 109.3 is hereby repealed in its entirety and a new Section 109.3 is hereby adopted in lieu thereof as follows:

“109.3 **Violation Penalties.** Any person who shall violate any of the provisions of this code or shall fail to comply with any lawful order issued pursuant to any section of this code, upon conviction therefore, shall be punished in accordance with the general penalty for violations of ordinances of the City of O’Fallon, Illinois. Each day that such violation or failure to comply continues after issuance of notice by the code official shall constitute a separate offense.”

**SECTION 5:** The Mechanical Code is hereby amended as follows:

(a) Section 101.1 is hereby amended by substituting “City of O’Fallon, Illinois” for the words “[NAME OF JURISDICTION]”;

(b) Section 103 is hereby repealed in its entirety and a new Section 103 is hereby adopted in lieu thereof as follows:

**“Section 103 Code Official**

103.1 **General.** The term “department of mechanical inspection” wherever used in this code shall mean the Code Enforcement Section of the Planning and Zoning Department of the City of O’Fallon, Illinois. The term “code official” as used in this code shall mean the duly appointed Code Official of the City of O’Fallon, Illinois and any designee thereof.”

(c) Section 106.5.2 is hereby repealed and a new Section 106.5.2 is hereby adopted in lieu thereof as follows:

“106.5.2 **Fee schedule.** A fee for each plan examination, building permit, and inspection shall be paid to the City Clerk at the rate or rates established by written order or resolution of the City Council.”;

(d) Section 106.5.3 is hereby repealed in its entirety.

(e) Section 108.4 is hereby amended by substituting “Petty Offense” for the words “[SPECIFY OFFENSE] and by repealing the phrase “not more than [AMOUNT], or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment” and by substituting therefor the phrase “not less than Seventy-Five Dollars (\$75.00) nor more than Seven Hundred Fifty Dollars (\$750.00), plus costs.”;

(f) Section 109.0 is hereby repealed in its entirety and a new Section 109.0 is hereby adopted in lieu thereof as follows:

**“Section 109.0 Means of Appeal**

109.1 **Means of Appeal.** Any person affected by a decision of the code official or a notice or order issued under this code shall have the right of appeal to the Builders Grievance Committee, established by section 112.0 of the Building Code, which shall additionally govern the grounds and regulate the procedures for such appeals.”

***The following section is repealed and replaced by Ord #3570; 4/21/08***

**SECTION 6:** ~~The Property Maintenance Code is hereby amended as follows:~~

~~(a) Section 101.1 is hereby amended by substituting “City of O’Fallon, Illinois” for the words “[NAME OF JURISDICTION]”;~~

~~(b) Section 103 is hereby repealed in its entirety and a new Section 103 is hereby adopted in lieu thereof as follows:~~

**~~“Section 103 Code Official; Fees~~**

~~103.1 **General.** The term “department of property maintenance inspection” wherever used in this code shall mean the Code Enforcement Section of the Planning and Zoning Department of the City of O’Fallon, Illinois. The term “code official” as used in this code shall mean the duly appointed Code Official of the City of O’Fallon, Illinois and any designee thereof.~~

~~(c) — Section 103.5 is hereby repealed in its entirety and fees are adopted per paragraph (h) (viii), under additional regulations.~~

~~(d) — Section 104.4 is hereby repealed in its entirety.~~

~~(e) — Section 106.4 is hereby repealed in its entirety and a new Section 106.4 is hereby adopted in lieu thereof as follows:~~

~~———“106.4 **Penalty for Violation.** Any person who shall violate any of the provisions of this code or shall fail to comply with any lawful order issued pursuant to any section of this code, upon conviction therefor, shall be punished in accordance with the general penalty for violations of ordinances of the City of O’Fallon, Illinois. Each day that such violation or failure to comply continues after issuance of notice by the code official shall constitute a separate offense.”~~

~~(f) — Section 109.6 is hereby repealed in its entirety.~~

~~(g) — Sections 110.3 and 110.4 are hereby repealed in their entirety. [*See applicable Illinois law on demolition of unsafe structures.*]~~

~~(h) — Section 111 is hereby repealed in its entirety and a new Section 111 is hereby adopted in lieu thereof as follows:~~

#### ~~“Section 111 Means of Appeal~~

~~111.1 **Means of Appeal.** Any person affected by a decision of the code official or a notice or order issued under this code shall have the right of appeal to the Builders Grievance Committee, established by section 121.0 of the Building Code, provided that provisions of this code shall regulate the procedures for such appeals.”~~

~~(i) — The following additional regulations are hereby adopted as supplementary and in addition to the requirements of the Property Maintenance Code and are hereby incorporated as if fully set forth therein:~~

~~“(i) — **Permit Required.** It shall be unlawful for any person, firm or corporation to occupy, or permit to be occupied or to collect the rent of any existing residential or non-residential structure for more than thirty-seven (37) days without obtaining an Occupancy Permit issued by the code official. No person, firm, or corporation shall occupy, or allow the occupancy of any existing residential or commercial structure if the Occupancy Permit issued therefor has been revoked.~~

~~A Certificate of Occupancy issued for new or renovated structures by the code official under section 118.0 of the Building Code shall be considered and is expressly distinguished from the Occupancy Permit required pursuant to this Section (i). However, such certificate of occupancy may be honored as an alternative to the Occupancy Permit required by Section (i) and this code, provided the subject structure otherwise complies with the standards and requirements of this code. In the absence of such compliance, any building permit fees paid to the City shall be counted toward the fee required for the Occupancy Permit under the Property Maintenance Code.~~

~~(ii) — **Inspection required.** An annual inspection shall be required on all non-residential structures or premises of the following types and uses:~~

- ~~A. — A principal non-residential structure which contains a residential occupancy, such as apartments, that constitute an accessory use to the structure. The residential portion of that structure shall be inspected under the guidelines for residential occupancy and related exceptions;~~
- ~~B. — All structures in the R1 Use Group as defined in the Building Code, i.e.: hotels, motels, bed and breakfasts and boarding houses;~~
- ~~C. — All structures in the A1 Use Group as defined in the Building Code, i.e.: theaters;~~
- ~~D. — All structures in the A4 Use Group as defined in the Building Code, i.e.: churches;~~
- ~~E. — Any other structure within an Assembly Use as defined in the Building Code, which in the determination of the code official presents a potential public safety hazard to occupants;~~
- ~~F. — All structures having automatic fire suppression systems, including fire suppression hood systems.~~
- ~~G. — All structures and facilities used for child care and having an average daily attendance of eight or more children; and~~
- ~~H. — Any structure in the H(hazardous) Use Group as defined by the Building Code.~~

~~For purposes of this Section (ii), the term “change in occupancy” shall mean a change in possession of a residential or nonresidential structure by way of rental, leasehold, ownership, or other manner of tenancy.~~

**EXCEPTIONS:** ~~The inspection provisions of this Section (ii) shall not be applicable in the following instances:~~

- ~~A. To the change in ownership of a structure containing a dwelling unit when the change in ownership is between immediate family members and if there is no change in occupancy;~~
- ~~B. To the change in occupancy or ownership of a residential or commercial structure within twenty four (24) months from the date of the last issue of the Occupancy Permit herein required, but not at a longer interval as required by other sections of this code, provided there is no just cause for re-inspection of the premises;~~
- ~~C. To a change in ownership when the new purchaser/tenant within seven (7) days from date of purchase, delivers a notarized statement to the code official stating that the purchaser/tenant will cause the structure to be demolished within six (6) months from the date of purchase.~~
- ~~D. To the change of ownership or occupancy of a residential structure within thirty six (36) months from the date of issue of a Certificate of Occupancy for new construction.~~

~~(iii) **Change in Dwelling Unit Occupancy.** Whenever a change in occupancy occurs in any structure containing a dwelling unit, an application for Occupancy Permit shall be made by the owner thereof or by his agent and filed with the code official.~~

~~(iv) **New Dwelling Unit Structures.** A structure intended for dwelling purposes erected (or harbored in the case of a mobile homes) after adoption of this code, shall not be used or occupied in whole or part until a Certificate of Occupancy shall have been issued by the code official under the Residential Code.~~

~~(v) **By Whom Application Made.** Application for the Occupancy Permit required by the Property Maintenance Code shall be made by the owner of the structure or by his agent. Any application submitted by a person other than the fee owner shall be accompanied by a signed statement of authorization from the fee owner. The application shall contain the full name and address of the owner or the names and addresses of the responsible officers if the owner is other than a natural person, and the name and address of the applicant.~~

The application for such Occupancy Permit shall be submitted in such form as the code official prescribes and shall be filed with the Code Enforcement Section of the Planning & Zoning Department:

A. ~~In the case of a change of ownership, irrespective of tenancy, within seven days from the date of recording the deed, or other instrument of real estate transfer, with the office of the Recorder of St. Clair County, Illinois; or.~~

B. ~~In the case of a change of renter or lessee, within seven days (one week) from the date of occupancy by the tenants thereof.~~

~~(vi) **Action on Application; Permit Contents.** The code official shall examine or cause to be examined all applications for an Occupancy Permit and shall inspect or cause to be inspected the structure which is the subject of the application within thirty (30) days after filing. If the application and the structure conform to the requirements of all pertinent laws of the City, the code official shall issue the Occupancy Permit within the same thirty (30) day period. The Occupancy Permit shall certify that the structure complies with the provisions of this code and shall additionally set forth the use, street address or other means of identification, date of issuance, and such other information as the code official shall deem appropriate for the implementation of this code. Occupancy Permits for residential structures shall additionally state the maximum number of occupants permitted.~~

~~(vii) **Scheduling of Regular Inspections; Utility Services.** Regular inspections and regular re-inspections shall be scheduled for normal work days of the City. Appointments for inspection and/or re-inspection shall be made for time(s) of mutual convenience of the applicant and the code official whenever possible and within the time frames specified in Section (vi), above. It shall be the responsibility of the owner or the owner's agent or tenant to provide access to the residential or nonresidential structure(s) within seven (7) days from the date of request by the City for gain of entry and free access.~~

~~Water and electric utility services connections, and gas utility service connection, if applicable, shall be in service at the time scheduled for inspection and re-inspection. Water service through the City of O'Fallon and authorization to have electric service activated by that service provider will not be authorized until application is made, when required, for an Occupancy Permit and has been filed with the Code Official.~~

~~(viii) **Existing Buildings.** Any structures inspected under this Property~~

~~Maintenance Code will not be subject to the requirements of the Building Code or Residential Code, unless the building is also subject to new construction, alteration, addition, or relocation requirements, and then only the portion that is affected by that work. The legal occupancy of any structure existing on the date of adoption of this code, or for which it has been heretofore approved shall be permitted to continue without change, except as is otherwise specifically covered in this property maintenance code, the building code, or fire prevention codes or presents a threat to the life, health and safety of the occupants.~~

~~(ix) **Fees.** Fee(s) for a Occupancy Permit shall be paid to the City Clerk at the rate or rates established by written order or resolution of the City Council.~~

***Section 6 has been repealed and replaced by Ord. #3570; 04/21/08***

**SECTION 7:** The Residential Code is hereby amended as follows:

(a) Section R101.1 is hereby amended by substituting “City of O’Fallon, Illinois” for the words “[NAME OF JURISDICTION]”;

(b) Section R103.1 is hereby repealed in its entirety and a new Section R103.1 is hereby adopted in lieu thereof as follows:

**“Section R103.1 Department of Building Safety, Code Official defined**

R103.1 **General.** The term “department of building safety” wherever used in this code shall mean the Code Enforcement Section of the Planning and Zoning Department of the City of O’Fallon, Illinois. The term “building official” as used in this code shall mean the duly appointed Code Official of the City of O’Fallon, Illinois and any designee thereof.

(c) Section R103.2., inclusive is hereby repealed in it’ entirety;

(d) Section R108.2 is hereby amended by substituting “by written order or resolution of the City Council” for the words “by the applicable governing authority”,

(e) Section R108.5 is hereby repealed and a new Section R108.5 is hereby adopted in lieu thereof as follows:

“R108.5 **Refunds.** No portion of any fee shall be returned to a permit holder in the case of a building permit or a suspension, discontinuance, or abandonment of work.”

(f) Section R112 is hereby repealed in its entirety and a new Section R112 is hereby adopted in lieu thereof as follows:

### **“Section R112 Means of Appeal**

**R112.1 Means of Appeal.** Any person affected by a decision of the code official or a notice or order issued under this code shall have the right of appeal to the Builders Grievance Committee, established by section 112.0 of the Building Code, which shall additionally govern the grounds and regulate the procedures for such appeals.”

(g) Section R403.1.4.1 is hereby amended by substituting “200 square feet” under “Exceptions (1) for 400 square feet”.

### **SECTION 8:** The Existing Building Code is hereby amended as follows:

(a) Section 101.1 is hereby amended by substituting “City of O’Fallon, Illinois” for the words “[NAME OF JURISDICTION]”;

(b) Section 103.1 is hereby repealed in its entirety and a new Section R103.1 is hereby adopted in lieu thereof as follows:

#### **“Section 103.1 Department of Building Safety, Code Official defined**

**103.1 General.** The term “department of building safety” wherever used in this code shall mean the Code Enforcement Section of the Planning and Zoning Department of the City of O’Fallon, Illinois. The term “code official” as used in this code shall mean the duly appointed Code Official of the City of O’Fallon, Illinois and any designee thereof.

(c) Section 103.2., inclusive is hereby repealed in it’ entirety;

(d) Section 108.2 is hereby amended by substituting “by written order or resolution of the City Council” for the words “by the applicable governing authority”,

(e) Section 108.6 is hereby repealed and a new Section 108.6 is hereby adopted in lieu thereof as follows:

“108.6 **Refunds.** No portion of any fee shall be returned to a permit holder in the case of a building permit or a suspension, discontinuance, or abandonment of work.”

(f) Sections 117.3 and 117.4 are hereby repealed in their entirety. (*See applicable Illinois law on demolition of unsafe structures.*)

(g) Section 112 is hereby repealed in its entirety and a new Section 112 is hereby adopted in lieu thereof as follows:

#### **“Section 112 Means of Appeal**

**112.1 Means of Appeal.** Any person affected by a decision of the code official or a notice or order issued under this code shall have the right of appeal

to the Builders Grievance Committee, established by section 112.0 of the Building Code, which shall additionally govern the grounds and regulate the procedures for such appeals.”

**SECTION 9:** The Fuel Gas Code is hereby amended as follows:

(a) Section 101.1 is hereby amended by substituting “City of O’Fallon, Illinois” for the words “[NAME OF JURISDICTION]”;

(b) Section 103.1 is hereby repealed in its entirety and a new Section R103.1 is hereby adopted in lieu thereof as follows:

**“Section 103.1 Department of Building Safety, Code Official defined**

103.1 **General.** The term “department of inspection” wherever used in this code shall mean the Code Enforcement Section of the Planning and Zoning Department of the City of O’Fallon, Illinois. The term “code official” as used in this code shall mean the duly appointed Code Official of the City of O’Fallon, Illinois and any designee thereof.

(c) Section 103.2., inclusive is hereby repealed in it’s entirety;

(d) Section 106.5.2 is hereby repealed in it’s entirety and a new Section 106.5.2 is hereby adopted in lieu thereof as follows:

“106.5.2 **Fee schedule.** A fee for each plan examination, building permit and inspection shall be paid to the City Clerk at the rate or rates established by written order or resolution of the City Council.”

(e) Section 106.5.3 is hereby repealed and a new Section 106.5.3 is hereby adopted in lieu thereof as follows:

“106.5.3 **Refunds.** No portion of any fee shall be returned to a permit holder in the case of a building permit or a suspension, discontinuance, or abandonment of work.”

(f) Section 108.4 is hereby amended by substituting “Petty Offense” for the words “[SPECIFY OFFENSE] and by repealing the phrase “not more than [AMOUNT], or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment” and by substituting therefore the phrase “not less than Seventy-Five Dollars (\$75.00) nor more that Seven Hundred Fifty Dollars (\$750.00), plus costs.”;

(g) Section 109 is hereby repealed in its entirety and a new Section 109 is hereby adopted in lieu thereof as follows:

## “Section 109 Means of Appeal

112.1 **Means of Appeal.** Any person affected by a decision of the code official or a notice or order issued under this code shall have the right of appeal to the Builders Grievance Committee, established by section 112.0 of the Building Code, which shall additionally govern the grounds and regulate the procedures for such appeals.”

### **SECTION 10:** The Electrical Code is hereby amended as follows:

- (a) Section 90-4 is hereby amended by adding thereto the following provisions:

“The Code Enforcement Section of the Planning and Zoning Department of the City of O’Fallon, Illinois and the duly appointed Code Official of the City of O’Fallon, Illinois and authorized designees (individually a “code official” and together, the “code officials”) that are hereby authorized and designated to carry out the enforcement provisions of this code.

Any person affected by a decision of a code official or a notice or order lawfully issued under this code shall have the right of appeal to the Builders Grievance Committee, established by section 121.0 of the Building Code, which shall additionally govern the grounds and regulate the procedures for such appeals.”

- (b) The following additional regulations and standards are hereby adopted as supplementary and in addition to the requirements of the Electrical Code and are hereby incorporated as if fully set forth therein.

- (i) No other electrical conductor other than copper shall be used in the City other than by the utility company in its service supply lines.
- (ii) Branch circuits shall be at least Number 12 gauge wire, except as follows:
- A. Installations involving low voltage conductors where the voltage does not exceed fifty (50) volts between conductors and ground; and
  - B. Control wire, as permitted by the National Electrical Code, NFPA 70; provided that this exception shall not be construed to include switch circuits or legs exceeding fifty (50) volts.
- (iii) All buildings and structures, other than those occupied or intended to be occupied for Use groups Multi-family and Single-family and their accessory buildings shall have all branch circuit electrical

conductors installed in metallic raceway(s), such as rigid metal conduit or electrical metal tubing, except as otherwise regulated in Exception 1 or 2. Flexible metal conduit can only be used as equipment or lighting whips up to a six foot maximum or in enclosed walls in existing structures, with the approval of the Code Official.

- A. EXCEPTION 1: Use Group R-2 and R-3 multiple family residential structures having a design maximum occupancy load of forty-nine (49) and fewer persons need not have electrical conductors installed in all metallic raceways, ridged metal conduit, nor metallic tubing. Design maximum occupancy load shall be determined from the applicable provisions of the Property Maintenance Code.
  
- B. EXCEPTION 2: On any existing single family residence which has changed to commercial use, existing wiring may be allowed to remain provided that (i) the structure has been inspected and approved by the code official and (ii) the owner submits a statement by a qualified electrical contractor stating that the existing wiring is safe and can support the intended use. Any new or additional wiring required for additions or remodeling must comply with the requirements of the first paragraph of Section (i).

(iv) Raceways and/or conduits housing, or intended to house conductors shall be fastened in place with approved mounting brackets; tie-wire shall not be permitted except when such conduits are buried in earth or when installed in poured concrete.

(v) Conductors placed within or beneath poured concrete and inaccessible, shall be housed in all metallic or polyvinyl chloride (PVC) conduit; and if placed within concrete, conduits shall have concrete-tight fittings. All electrical metallic tubing shall be installed above the vapor barrier.

(vi) Electrical conductors installed underground or in concrete and which serve as circuits to signs, swimming pools, and billboards shall be installed in either rigid metal or polyvinyl chloride (PVC) conduits.

(vii) All power and branch circuits carrying three hundred (300) volts and greater above ground potential shall meet the following requirements:

- A. Such circuits shall be placed in threaded rigid metal conduit; or

- B. Shall be placed in rigid non-metallic conduit that is encased in a minimum three-inch (3") thick concrete cement envelope; or
  - C. In engineered custom design instances, shall have prior approval of the protection design method (s) granted by the inspecting authority.
- (viii) Electrical metal tubing shall not be used in locations with direct exposure to weathering from moisture or excessive humidity.
- (ix) Flexible metallic sheathed cable (such as Type BX, AC, and MC) shall not be used in any electrical service installation or branch circuits.
- (x) Automatic fire detection systems shall be installed at locations and in the manner prescribed by the Building Code and Residential Code. Notwithstanding the foregoing, but in addition thereto, smoke detectors shall be located and installed in accordance with the applicable provisions of the Illinois Smoke Detector Act. Smoke detectors installed in new construction, reconstruction, or substantial remodeled construction shall have a battery power auxiliary operation.
- (xi) All swimming pool underwater lighting fixtures shall be installed for operation at maximum of 25 volts between conductors and ground.
- (xii) Use of circuit breakers commonly known and referred to as "space saver circuit breakers" shall be prohibited in new construction. It may be allowed in panelboard replacement in existing services and in upgrading of existing services, with the approval of the code official. The minimum width of any service panelboard circuit breaker shall be  $\frac{3}{4}$  inch. All such circuit breakers shall be of "unit-pole" design and operation, having one overcurrent protection device per set of terminals; the use of twin, tandem or similar circuit breakers which feature or allow two or more overcurrent protection devices on a single set of terminals shall not be permitted. For the purpose of this code, a "unit pole" circuit breaker is a single overcurrent protection device which exclusively, without another, makes use of one line-side terminal and its opposite load center bus-bar terminal.
- (xiii) All dwelling unit service board panels must have a single disconnect device or breaker.
- (xiv) A maximum of 42 circuits per panel shall be allowed on a 200 amp service panel and 24 circuits on a 125 amp service panel. Breaker panels and/or fuse panels shall be clearly marked within the panel

designating circuit numbers and the corresponding area(s) and/or equipment or features they service. All service panels shall contain a 3-pole space for future expansion.

(xv) Ground fault protection devices shall be located as close as is practicable to the equipment or feature they are intended to serve and protect and shall be reasonably accessible from such equipment or feature. Ground fault and arc fault testing schedule chart with testing and resetting instructions shall be affixed to the inside of the breaker panel door.

(xvi) Ground fault interrupter receptacles and standard receptacles wired on the load side of a ground fault protection device shall be clearly labeled (at their location) that such receptacles are ground fault protected.

(xvii) Use of “crimp-splice” mechanical connections (such as Buchanan crimp splices) is prohibited and shall be disapproved.

**SECTION 11:** The portions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this Ordinance are valid, unless the court finds the valid portions of this Ordinance are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City Council would have enacted the valid portions without the invalid ones, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

**SECTION 12:** This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Approved and passed and approved by the O’Fallon City Council this 6th day of December, 2004

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

ROLL CALL:	Horton	Grogan	True	Henry	Reckamp	Medford	Bequette	SUB TOTALS
Aye	X	X	X	X	X	X	X	7
Nay								0
Absent								0

ROLL CALL:	Mouser	Renner	Bennett	Boone	Drolet	Albrecht	West	SUB TOTALS	SUM OF TOTALS
Aye	X				X	X	X	4	11
Nay								0	0
Absent		X	X	X				3	3

First Reading: November 15, 2004  
 Second Reading December 6, 2004  
 Published: December 8, 2004

**Amended by Ordinance #3336; 05/02/05**  
**Amended by Ordinance #3398; 12/05/05**  
**Amended by Ordinance #3570; 04/21/08**