

**ORDINANCE NO. 3570**

**AN ORDINANCE AMENDING  
ORDINANCE 3302, REVISING  
THE CITY OF O'FALLON  
BUILDING CODES**

**WHEREAS**, the City of O'Fallon has previously adopted, through City Ordinance 3302, the Building Codes of the City, which includes 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, and from time to time may make rules and regulations affecting their implementation, application, and effect; and

**WHEREAS**, the City has determined it necessary to amend these Building Codes of the City for the protection of the health, safety, and welfare of the City's residents.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF O'FALLON, ST. CLAIR COUNTY, ILLINOIS AS FOLLOWS:**

**Section 1. Amendments.** That Ordinance 3302, which previously adopted the Building Codes of the City, is hereby amended by repealing Section 6 (Property Maintenance Code) of the current ordinance in its entirety and a new Section 6 is hereby adopted in lieu thereof as follows:

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

**6.01 International Property Maintenance Code**

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(b) Section 103 is hereby repealed in its entirety and a new Section 103 is hereby adopted in lieu thereof as follows: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

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(c) Section 103.5 is hereby repealed in its entirety and fees are adopted per paragraph (a) (viii), under additional regulations.

(d) Section 104.4 is hereby repealed in its entirety.

(e) Section 106.4 is hereby repealed in its entirety and a new Section 106.4 is hereby adopted in lieu thereof as follows: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

(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:

(i) Section 302.4 shall have 8 inches inserted as the jurisdiction requirement.

**“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 Building Code Review Committee, established by Section 121.0 of the Building Code, provided that provisions of this code shall regulate the procedures for such appeals.”

## 6.02 Occupancy Permit and Inspections

(a) 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 the owner of a parcel of real estate on which a residential or non-residential structure is situated, to occupy the structure or permit the occupancy of the structure by any person without obtaining an Occupancy Permit issued by the Code Official. Further, the owner shall not occupy or allow the occupancy of any existing residential or non-residential, if the Occupancy Permit thereto has been revoked.

To obtain an Occupancy Permit, the owner must comply with the application process outlined in Section 6.02 (a)(ii) within the prescribed time.

Once an Occupancy Permit is issued it shall thereafter be unlawful for the owner to change or allow change of occupancy of the residential or non residential/commercial structure without obtaining an Occupancy Permit.

For purposes of this Section 6, “owner” is defined as the person or entity maintaining fee simple title to the real estate on which the structure is located at the time of transfer of the title to the real estate to the transferee or at the time of change in occupancy of the structure situated on the real estate.

For purposes of this Section 6, 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.

For purposes of this Section 6, the term “change in ownership” shall mean;

- (a) Transfer of title to the real property via a deed.
- (b) Transfer of majority interest in a land trust holding title to the real property.
- (c) Transfer of majority interest in a Corporation, Limited Liability Company, Partnership or other entity holding title to the real property.

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 6.02(a)(i). However, such Certificate of Occupancy may be honored as an alternative to the Occupancy Permit required by Section 6.02(a)(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.

Any existing 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.

**EXCEPTIONS:** The provisions of Section 6.02 (a)(i) 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 non-residential 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 the change in ownership when the new purchaser/transferee within seven (7) days from date of purchase or transfer, delivers a notarized statement to the Code Official stating that the purchaser/transferee will cause the structure to be demolished within six (6) months from the date of purchase.
- D. To the change in 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.
- E. To the change in ownership of any structure when a new owner accepts all responsibility for obtaining the inspection and an Occupancy Permit required by Section 6.02 (a)(i) and 6.02 (a)(ii), provided that both owner and new owner agree and such agreement is submitted to the Code Official, along with the

application, in the form of a written document signed by all parties and the signatures notarized.

(ii) **Application Process.** 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 done so with legal 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, at least seven days before the date of transfer of title or effective date of contract for deed.

B. In the case of a change of renter, tenant or lessee.

Once application is made, owner can allow a change in occupancy. The property maintenance inspection required for issuance of an Occupancy Permit must be scheduled within 7 days after application is made and once the property maintenance inspection is completed and the owner has been notified of any violations, all violations shall be corrected within 30 days and a re-inspection scheduled. An extension of the 30 day period listed above can be obtained, with due cause, only after written request and then by approval of the Code Official.

(iii) **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.

(iv) **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 6(a)(ii), 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.

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

### **6.03 Residential Occupancy Permit Requirements:**

(a) The following additional regulations and standards are hereby adopted for residential units as supplementary and in addition to the requirements of the Property Maintenance Code and are hereby incorporated as if fully set forth therein:

- (i) Existing receptacles in the following locations shall have GFCI protection pursuant to Section E3802 of the 2003 International Residential Code:
  - a. Toilet and bathrooms
  - b. Garages
  - c. Outdoor receptacles
  - d. Kitchen and bar sink receptacles that serve countertop surfaces
  - e. Unfinished basement receptacles
  - f. Hydro massage bathtubs
  - g. Crawl space receptacles
- (ii) The garage shall be separated from the residence and its attic by the following means:
  - a. the garage shall be separated from the residence and its attic area by means of a minimum of ½ inch gypsum board applied to the garage side.
  - b. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with either solid wood door not less than 13/8 inch in thickness, 20 minute fire rated doors or metal insulated doors.
- (iii) Each gas appliance shall be provided with a shutoff valve separate from the appliance. The shutoff valve shall be located in the same room as the

appliance, not further than 6-feet from the appliance or within reasonable proximity, and installed upstream from the union, connector, or quick disconnect device it serves.

- (iv) Swimming pools must comply with the safety regulations of Appendix G of the 2003 International Residential Code
- (v) Provide access to and allow for removal or cause to be removed all electric service panel covers for inspection of inside service panel.
- (vi) Provide Carbon Monoxide Detectors in all residential occupancies, pursuant to the requirements set forth in the Illinois Carbon Monoxide Detector Act

#### **6.04 Non-Residential/Commercial Occupancy Permit Requirements:**

a) The following additional regulations and standards are hereby adopted for non-residential/commercial structures as supplementary and in addition to the requirements of the Property Maintenance Code and are hereby incorporated as if fully set forth therein:

- (i) Annual inspections shall be required on all non-residential/commercial structures or premises of the following types and uses:
  - (a) A principal non-residential/commercial structure that contains a residential occupancy, such as apartments, that constitutes an accessory use to the structure. The residential portion of that structure shall be only 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 breakfast and boarding houses.
  - (c) All structures in the A-1 Use Group as defined in the Building Code, i.e.: theaters
  - (d) All structures in the A-3 Use Group as defined in the Building Code, i.e.: bowling alleys, churches, community halls, dance halls, etc.
  - (e) Any other structure within the Assembly Group as defined in the Building Code, which in the determination of the Code Official presents a potential public safety hazard to the occupants.
  - (f) All structures having automatic fire suppression systems, including fire suppression cooking hood systems.
  - (g) All structures and facilities used for child care and having an average daily attendance of eight or more children.
  - (h) Any structure in the H (hazardous) Use Group as defined by the Building Code.

(b) Commercial buildings required to have a fire alarm system either by code requirements or by agreement with the Code Official or Fire Department as a condition of occupancy must have those systems monitored by an approved central station alarm company or proprietary supervising station.

The building owner and/or occupant must notify the Planning and Zoning Dept. of the central station alarm company or proprietary supervising station contracted to monitor the

system. This notification must be done on an annual basis. Owner/occupant must immediately notify the Planning and Zoning Dept. of any change in status of the alarm, the central service company or proprietary supervising station, discontinuance of service, or for any other reason that may render the alarm inoperable.

(c) Commercial parking lot striping and signage shall be maintained for compliance with the Illinois Accessibility Code.

**Section 2. Effect.** This ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

Approved and passed by the O'Fallon City Council the 21st day of April 2008.

ATTEST:

(seal)

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Philip A. Goodwin, City Clerk

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Gary L. Graham, Mayor

ROLL CALL:	Grogan	Schmidt	True	Polites	Reckamp	Medford	Drolet, J.	SUB TOTALS
Aye	X	X	X	X	X	X	X	7
Nay								0
Absent								0

ROLL CALL:	Mouser	Renner	Bennett	Engler	Drolet	Albrecht	West	SUB TOTALS	SUM OF TOTALS
Aye	X	X	X		X	X	X	6	13
Nay								0	0
Absent				X				1	1