ORDINANCE NO. 3691

**AN ORDINANCE ADOPTING THE 2006 INTERNATIONAL BUILDING CODE, THE 2006 INTERNATIONAL FIRE CODE, THE 2006 INTERNATIONAL MECHANICAL CODE, THE 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE, THE 2006 INTERNATIONAL RESIDENTIAL CODE, THE 2006 INTERNATIONAL EXISTING BUILDING CODE, THE 2006 INTERNATIONAL FUEL GAS CODE, THE 2009 INTERNATIONAL ENERGY CONSERVATIONCODE, AND THE 2005 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 #3302 that adopted the 2003 International Building Code, 2003 International Property Maintenance Code, 2003 International Fire Prevention Code, 2003 International Mechanical Code, and 2003 International Residential 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 2006 International Building Code, the 2006 International Fire Code, the 2006 International Mechanical Code, the 2009 International Property Maintenance Code, the 2006 International Residential Code, the 2006 International Existing Building Code, the 2006 International Fuel Gas Code, the 2009 International Energy Conservation Code and the 2005 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 Ordinance #3302 and all subsequent amendments are hereby repealed.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 "2006 International Building Code," published by the International Code Council, Inc. including Appendices G, H, and J and the amendments prescribed in Section 3 of this Ordinance is hereby adopted as the "Building Code of the City of O'Fallon, Illinois" (the "Commercial Building Code");

(b) The "2006 International Fire Code", published by the International Code Council, Inc. including Appendices B, C, D, and E and the amendments prescribed in Section 4 of this Ordinance is hereby adopted as the "Fire Code of the City of O'Fallon, Illinois" (the "Fire Code");

(c) The "2006 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 "2009 International Property Maintenance Code", published by the International Code Council, Inc., et al. including Appendix A and 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 "2006 International Residential Code", published by the International Code Council, Inc., et al. including Appendices G and H and 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 "2006 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 "2006 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 "2009 International Energy Conservation Code" published by the International Code Council, Inc., et al including the amendments thereto prescribed in Section 10 of this Ordinance is hereby adopted as the "Energy Code of the City of O'Fallon" ("Energy Code");

(i) The "2005 National Electrical Code" published by the National Fire Protection Association, Inc. including the amendments thereto prescribed in Section 11 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 Commercial Building Code, the Fire Prevention Code, the Mechanical Code, the Property Maintenance Code, the Residential Code, the Existing Building Code, the Fuel Gas Code, the Energy Code, and the Electrical Code as herein adopted (collectively, the "City Codes").

**SECTION 3:** The Commercial 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 Building and Inspection Division 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 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 Building Code Review 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, the Energy Conservation 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 Building Code Review 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 Building Code Review 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) Section (113), **Violations**, is hereby amended and adopted in addition to the Commercial Building Code and is hereby incorporated as if fully set forth therein by adding to Paragraph 113.4 as follows:

113.4.1 Except as otherwise provided, a person convicted of a violation of this code shall be punished by a fine of not less than $75 and not more than $750. With respect to violations of this code that are continuous with respect to time, each day the violation continues is a separate offense.

113.4.2 The imposition of a penalty does not prevent revocation or suspension of a license, permit or franchise.

113.4.3 Violations of this code that are continuous with respect to time may be abated by injunctive or equitable relief. The imposition of a penalty does not prevent equitable relief.

(h) 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 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 Building and Inspection Division of the Planning and Zoning Department of the City of O'Fallon, IL. 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 Building Code Review 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 order issued pursuant to any section of this code, upon conviction therefore, shall be punished in accordance with the provisions set forth in Section 113.4 of Section 3, Commercial Building Code."

**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 Building and Inspections Division 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 repealed in its entirety and a new Section 109.3 is hereby adopted in lieu thereof as follows:

"108.4 **Violation Penalties.** Any person who shall violate any of the provisions of this code or shall fail to comply with any order issued pursuant to any section of this code, upon conviction therefore, shall be punished in

accordance with the provisions set forth in Section 113.4 of Section 3, Commercial Building Code."

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."

**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 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 Section 6.01, paragraph (a)(v), 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 **Violation Penalties.** Any person who shall violate any of the provisions of this code or shall fail to comply with any order issued pursuant to any section of this code, upon conviction therefore, shall be punished in accordance with the provisions set forth in Section 113.4 of Section 3, Commercial Building Code."

(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 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."

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

(j) Section 404.5 is hereby repealed in its entirety and a new Section 404.5 is hereby adopted in lieu of as follows:

"**Section 404.5 Overcrowding**. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

**TABLE 404.5**
**MINIMUM AREA REQUIREMENTS**

| SPACE | MINIMUM AREA IN SQUARE FEET | | |
|---|---|---|---|
| | 1-2 occupants | 3-5 occupants | 6 or more occupants |
| Living room[a,b] | No requirements | 120 | 150 |
| Dining room[a,b] | No requirements | 80 | 100 |
| Bedrooms | Shall comply with Section 404.4 | | |

For SI: 1 square foot = 0.093 $m^2$.

a. See Section 404.5.2 for combined living room/dining room spaces.

b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

**404.5.1 Sleeping area**. The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 404.4

**404.5.2 Combined spaces**. Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

## 6.01 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 complying with prior thereto Section 6.01(a)(ii). Further, the owner shall not occupy or allow the occupancy of any existing residential or non-residential structure, if the Occupancy Permit thereto has been revoked.

To obtain an Occupancy Permit, the owner must comply with the application process outlined in Section 6.01(a)(ii) within the prescribed time.

Once an Occupancy Permit is issued it shall thereafter, except as provided in Section 6.01(a)(i)(E), be unlawful for the owner to change or allow a change of occupancy with or without change of ownership of the residential or non residential structure without the owner complying with Section 6.01(a)(ii) prior to the change of Occupancy.

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 110.0 of the Building Code and section R110 of the Residential Code shall be considered and is expressly distinguished from the Occupancy Permit required pursuant to this Section 6.01(a)(i). However, such Certificate of Occupancy may be honored as an alternative to the Occupancy Permit required by Section 6.01(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 6.01(a)(i) shall not be applicable in the following instances:

A. To the change in ownership of a residential or non-residential structure containing a dwelling unit when the change in ownership is between co-owners and if there is no change in occupancy;

B. To the change in occupancy or ownership of a residential or non-residential 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 the change in ownership of a residential or non-residential structure when the new buyer or transferee within seven (7) days from date of purchase or transfer, delivers a notarized statement to the Code Official stating that the buyer/transferee will cause the structure to be demolished within six (6) months from the date of purchase or transfer.

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 6.01(a)(i) and 6.01(a)(ii), provided that the owner or the new owner submits an application for an Occupancy Permit along with a written and signed agreement between the owner and new owner, with signatures notarized that the new owner accepts responsibility for obtaining the inspection and an Occupancy Permit. The structure may not be occupied until the above documents have been filed with the Code Official.

(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.

**6.02 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 2006 International Residential Code.

(v) Provide access to and allow for removal or cause to be removed electric service panel covers for inspection of inside service panel, if required.

(vi) Provide Carbon Monoxide Detectors in all residential occupancies, pursuant to the requirements set forth in the Illinois Carbon Monoxide Detector Act.

**6.03 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, concert halls

(d) All structures in the A-3 Use Group as defined in the Building Code, i.e.: structures intended for worship, recreation, amusement, 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. Central station alarm companies monitoring alarm systems within the City of O'Fallon must notify the Planning and Zoning Dept. of any discontinuance of service of any fire alarm system monitored within the city.

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

**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 Building and Inspections Division 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 its 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 Building Code Review 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 R113.4 is hereby repealed in its entirety and a new Section 109.3 is hereby adopted in lieu thereof as follows:

"R113.4 **Violation Penalties.** Any person who shall violate any of the provisions of this code or shall fail to comply with any order issued pursuant to any section of this code, upon conviction therefore, shall be punished in accordance with the provisions set forth in Section 113.4 of Section 3, Commercial Building Code."

h) Section R403.1.4.1 is hereby amended by substituting "200 square feet" under "Exceptions (1) for 600 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 Building and Inspections Division 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 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 building permit or a suspension, discontinuance, or abandonment of work."

(f) 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 Building Code Review 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 113.4 is hereby repealed in its entirety and a new Section 109.3 is hereby adopted in lieu thereof as follows:

"113.4 **Violation Penalties.** Any person who shall violate any of the provisions of this code or shall fail to comply with any order issued pursuant to any section of this code, upon conviction therefore, shall be punished in accordance with the provisions set forth in Section 113.4 of Section 3, Commercial Building Code."

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

**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 Building and Inspections Division 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 its entirety;

(d) Section 106.5.2 is hereby repealed in its 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 repealed in its entirety and a new Section 109.3 is hereby adopted in lieu thereof as follows:

"108.4 **Violation Penalties.** Any person who shall violate any of the provisions of this code or shall fail to comply with any order issued pursuant to any section of this code, upon conviction therefore, shall be punished in accordance with the provisions set forth in Section 113.4 of Section 3, Commercial Building Code."

(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**

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 Building Code Review 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 Energy Conservation 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 107.2 is hereby repealed in its entirety and a new Section 107.2 is hereby adopted in lieu thereof as follows:

"107.2 **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."

(c) Section 107.5 is hereby repealed and a new Section 107.5 is hereby adopted in lieu thereof as follows:

"107.5 **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."

(d) Section R108.4 is hereby repealed in its entirety and a new Section 109.3 is hereby adopted in lieu thereof as follows:

"108.4 **Violation Penalties.** Any person who shall violate any of the provisions of this code or shall fail to comply with any order issued pursuant to any section of this code, upon conviction therefore, shall be punished in accordance with the provisions set forth in Section 113.4 of Section 3, Commercial Building Code."

(e) 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**

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 Building Code Review Committee, established by section 112.0 of the Building Code, which shall additionally govern the grounds and regulate the procedures for such appeals."

**SECTION 11:** The Electrical Code is hereby amended as follows:

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

"The Building and Inspections Division 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 Building Code Review 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.

(iii) 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 ¾ 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.

(iv) 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 2-pole space for future expansion.

**SECTION 12:** 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 13:** 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 18th day of October 2010

ATTEST: _____ City Clerk

APPROVED: _____ Mayor

OFFICIAL SEAL O'Fallon ILLINOIS Established 1854 St. Clair County, Illinois

| ROLL CALL: | Grogan | McCoskey | True | Polites | Mouser | Reckamp | Drolet, J. | SUB TOTALS |
|---|---|---|---|---|---|---|---|---|
| Aye | X | X | X | X | | X | X | 6 |
| Nay | | | | | | | | 0 |
| Absent | | | | | X | | | 1 |

| ROLL CALL: | Snyder | Bennett | Renner | Drolet, N. | Engler | Albrecht | Cozad | SUB TOTALS | SUM OF TOTALS |
|---|---|---|---|---|---|---|---|---|---|
| Aye | X | X | X | | X | X | X | 6 | 12 |
| Nay | | | | | | | | 0 | 0 |
| Absent | | | | X | | | | 1 | 2 |

First Reading: October 4, 2010
Second Reading October 18, 2010
Published: _____