

**ORDINANCE NO. O-2020-**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WHEATON –  
CHAPTER 22 – BUILDING AND BUILDING REGULATIONS**

WHEREAS, the City of Wheaton (“City”) is an Illinois Home Rule Municipality pursuant to provisions of Article VII, Section 6 of the Illinois Constitution, and as such the City may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the subject matter of this ordinance pertains to the government and affairs of the City and its residents; and

WHEREAS, the Corporate authorities of the City of Wheaton find that it is in the best interest of its residents to have and maintain standards regulating and governing the construction and maintenance of all property, buildings and structures to ensure that structures are safe, sanitary and fit for occupation and use; and

WHEREAS, the International Code Council has developed and created certain model code regulations, known as the ICC International Codes, intended for adoption and use by jurisdictions internationally, which safeguard the public health and safety; and

WHEREAS, the City has carefully evaluated the ICC International Codes and believes certain amendments are appropriate given the existing building stock in the City.

NOW THEREFORE BE ORDAINED by the Mayor and City Council of the City of Wheaton, DuPage County, Illinois that the Wheaton City Code 2016 is hereby amended to provide as follows:

**SECTION 1:** That Chapter 22, Buildings and Building Regulations, Article I – In General, Article II – Contractors, Article III – Building Code, Article IV – Residential Code, Article V – Electrical Codes, Article VI – Mechanical Code, Article VII – Fuel Gas Code, Article VIII – Illinois Energy Conservation Code, Article IX – Plumbing, Article X – Fire Codes, and Article XI – Property Maintenance Code are hereby repealed and rescinded in their entirely and replaced with new Article I – In General, Article II – Contractors, Article III – Building Code, Article IV – Residential Code, Article V – Electrical Codes, Article VI – Mechanical Code, Article VII – Fuel Gas Code, Article VIII – Illinois Energy Conservation Code, Article IX – Plumbing, Article X – Fire Codes, and Article XI – Property Maintenance Code, as set forth in Exhibit A, attached hereto and made a part hereof.

**SECTION 2:** That Chapter 22, Buildings and Building Regulations is hereby amended by the addition of new Articles XVI – Existing Building Code, XVII – Swimming Pool and Spa Code, and XVIII – Solar Energy Code, as set forth in Exhibit A, attached hereto and made a part hereof.

SECTION 3: That Articles XII – Fences and Flagpoles, XIII – Redevelopment of Real Estate, XIV – Demolition of Buildings and XV – Uniform Standards for the Installation, Maintenance and Transmission for Private Alarm Systems Connected to the City’s Wireless Alarm Network of Chapter 22, Buildings and Building Regulations, are hereby reaffirmed in their entirety.

SECTION 4. If a court of competent jurisdiction sets aside any portion of this Ordinance as unconstitutional or unlawful, it shall not affect the validity of the remainder of the Ordinance.

SECTION 5. All ordinances or parts of ordinances in conflict with these provisions are repealed.

SECTION 6. This ordinance and contractor registration requirements shall become effective from and after its passage, approval, and publication in the manner prescribed by law and the amendments set forth in Exhibit A shall become effective March 4, 2020.

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Mayor

ATTEST:

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City Clerk

Roll Call Vote:

Ayes:

Nays:

Absent:

Passed:

Published:

Chapter 22 - BUILDINGS AND BUILDING REGULATIONS<sup>[1]</sup>**Footnotes:**

— (1) —

**Editor's note** — Ord. No. F 1044, § 1, adopted May 16, 2005, repealed chapter 22, §§ 22-1 — 22-16, 22-31, 22-32, 22-56, 22-61, 22-71, 22-72, 22-86 — 22-99, 22-111 — 22-115, 22-136 — 22-142, 22-166, 22-167, 22-191 — 22-203, 22-216, 22-217, 22-241, 22-242, 22-266, 22-267, 22-301 — 22-307, 22-331 — 22-346, 22-366 — 22-373, 22-406 — 22-414, and replaced it with a new chapter 22, sections 22-1 — 22-12, 22-15 — 22-28, 22-30 — 22-32, 22-40 — 22-42, 22-50 — 22-53, 22-60, 22-61, 22-70, 22-71, 22-90 — 22-101, 22-110, 22-111, 22-120, 22-125, 22-126, 22-130, 22-131, 22-150 — 22-164, 22-176 — 22-183, and 22-200 — 22-208. Former chapter 22 pertained to similar material and derived from the Code of 1968, §§ 8-1 — 8-7, 8-10 — 8-15.6, 8-18 — 8-28, 8-34 — 8-48, 8-58, 8-61, 8-61.1, 8-63 — 8-85, 8-98 — 8-105, 12-18 — 12-18.2, 12-23, 17-70 — 17-72; Ord. No. E 4087, § 1, adopted May 1, 1995; Ord. No. F 0074, § 1, adopted Nov. 18, 1996; Ord. No. F 0197, § 1, adopted Dec. 15, 1997; Ord. No. F 0238, §§ 1 — 3, adopted May 4, 1998; Ord. No. F 0246, § 1, adopted June 1, 1998; Ord. No. F 0539, § 1, adopted Dec. 4, 2000; Ord. No. F 0640, § 1, adopted Oct. 15, 2001; Ord. No. F 0686, § 1, adopted March 18, 2002; Ord. No. F 0765, § 1, adopted Oct. 21, 2002; and Ord. No. F 0879, §§ 2, 3, adopted Jan. 20, 2004.

**State Law reference** — General authority of municipality relative to buildings, 65 ILCS 5/11-30 1 et seq.; unlawful real estate practices, 775 ILCS 5/3-101 et seq.

**ARTICLE I. - IN GENERAL****Sec. 22-1. - Appendices and advisory notes to adopted technical codes.**

All applicable appendices and advisory notes to the technical codes adopted by this chapter are expressly included in sections 22-30, building; 22-40, residential; 22-50, electrical; 22-60, mechanical; 22-70, fuel gas, 22-110, plumbing; 22-125, fire; and 22-130, property maintenance 22-80, energy conservation; 22-90, plumbing codes; 22-120, fire codes; 22-130, property maintenance; 22-225, existing building; 22-235, swimming pool and spa; 22-245, solar energy and adopted by reference.

(Code 1996, § 22-1; Ord. No. F-1044, § 1, 5-16-2005)

**Sec. 22-2. - Copies of adopted codes on file.**

Three copies of the codes adopted by reference in this chapter shall be filed in the office of the city clerk and there kept available for public use, inspection and examination.

(Code 1996, § 22-2; Ord. No. F-1044, § 1, 5-16-2005)

**State Law reference** — Similar provisions, 50 ILCS 220/2.

**Sec. 22-3. - Violations; penalties.**

(a) Any person who violates or fails to comply with any provision of the codes adopted or amended in chapter 22, buildings and building regulations, or any directive of the director of building and code enforcement of the city or of any permit, or certificate issued under the provisions of such codes shall be guilty of an offense punishable by a fine. Any architect, builder, contractor, or engineer hired or retained by an owner of property to perform any work requiring a permit under any provision of this chapter shall be responsible for obtaining the applicable permit or notifying the owner in writing of the necessity of obtaining the permit. This shall not relieve an owner from the

duty to ensure that permits have been issued. Each day that violations continue shall be deemed a separate offense **for each violation.**

- (b) All other provisions of this Code pertaining to an owner's obligation to obtain permits shall remain in full force and effect.
- (c) In addition to the penalties set forth herein, all such persons shall correct or remedy such violations within a reasonable time. The imposition of a penalty for any violation shall not excuse the violation or permit it to continue.

(Code 1996, § 22-3; Ord. No. F-1044, § 1, 5-16-2005; Ord. No. F-1774, § 2, 4-21-2014)

Sec. 22-4. - Permits not to issue to persons indebted to city.

Notwithstanding any provision contained in this chapter and/or the ICC International Codes in effect to the contrary, no permit required by the provisions of this chapter shall be issued **to:**

- (1) **To a**Any individual, partnership, corporation, land trustee, or other business entity, if the individual, partnership, corporation, land trustee, or other business entity or any partner, shareholder, beneficiary or member thereof is financially indebted to the city; or
- (2) **For any property, for which any prior tenant or owner, including tenant or owners who are individuals, partnerships, corporations, land trustees, or other business entity, has outstanding debts related to the real estate incurred by any prior owner, the current owner or prior tenant or occupant of the owner. For any property for which there is an outstanding debt due the city regardless of who incurred the debt. The city shall not have any obligation to secure payment of the debt from a property owner, tenant or occupant of the property.**

(Code 1996, § 22-4; Ord. No. F-1044, § 1, 5-16-2005)

Sec. 22-5. - Foundation elevation; grading requirements.

- (a) *Grading plan required prior to issuance of building permit.* It shall be a condition precedent to the issuance of any building permit that the applicant submits to the city a grading plan illustrating the proposed foundation grades for any structure to be constructed. Such grading plan shall also illustrate the existing elevations of the property boundaries, elevations of streets adjacent to the property, and the proposed method of drainage, as shown by topographical studies. The grading plans shall be subject to the reasonable approval of the city engineer prior to the issuance of a building permit. Individual site grading plans will be necessary where a builder deviates from the plans prepared by a registered professional engineer, which have previously been approved by the city for an entire tract of land or subdivision.
- (b) *Top of foundation elevations.* The elevation of the top of foundation of any approved structure constructed shall be in conformance with the approved grading plan. The minimum top of foundation grade or lowest unprotected structure opening shall not be less than two feet above the highest centerline of the street elevation adjacent to the property, or an elevation guaranteeing a minimum of two percent slopes to lot corners, with a minimum protective side slope vertical rise of six inches. Variances may be granted by the city engineer where special grading conditions exist.
- (c) *Verification of top of foundation elevation required prior to backfilling.* Prior to backfilling any foundation, the owner or developer shall furnish to the building and code enforcement department

two copies of the plat of survey attesting to the minimum and maximum top of foundation elevations. United States Geological Survey elevation datum should be used. The top of foundation elevations must shall also indicate the minimum elevation of any unprotected structure openings, such as windows or doorways. Elevation information must shall be furnished by either a registered land surveyor or a registered professional engineer. Any builder placing a wood deck or other structural improvements to the foundation may be required to remove such structures in order to make corrections to foundation elevations which are not consistent with the approved grading plan as determined by the city engineer.

- (d) *Verification of lot grading required prior to occupancy.* Prior to the issuance of an occupancy permit for any structure, the owner or developer shall furnish to the building department an as-constructed grading plan prepared by a registered land surveyor or registered professional engineer indicating that the grading, as constructed, is consistent with the approved grading plan, as follows:
  - (1) The as-constructed grading plan shall indicate proper lot drainage consistent with the approved grading plan.
  - (2) A rough construction grade will be acceptable provided the as-constructed rough grade is within 0.5 foot of the final grades indicated on the approved grading plan.
- (e) *As-constructed lot grading drawings required prior to subdivision acceptance.* The requirements outlined herein do not waive a developer's responsibility to provide final as-constructed drawings including final as-constructed elevations at the time of subdivision acceptance consistent with section 62-298.

(Code 1996, § 22-5; Ord. No. F-1044, § 1, 5-16-2005)

Sec. 22-6. - Safety fencing.

- (a) All construction sites shall be enclosed by a continuous chain link fence, without barbs, six feet in height which shall be installed around the perimeter of the area under construction herein referred to as the "construction site." The fencing shall be installed not more than seven days before the commencement of any work on the construction site. Such fencing shall remain in place until a certificate of occupancy is issued for the structure, or as so authorized by the code official.
- (b) The term "construction site" means any or all portion of the real property that is identified as the location of any excavation or of the erection, enlargement, alteration, repair, removal, or demolition of any building, structure or structural part thereof within the city. However, for purposes of this section, the term "construction site" does not include a location where all construction and/or demolition activity, including the staging of construction materials and storing of debris, is conducted within a completely enclosed secured structure, or a construction site that will be occupied during the construction activity.
- (c) The safety fencing shall be anchored sufficiently to resist wind loads of 30 pounds per square foot without deflection of more than three inches between top and bottom of the fence. The fence shall not contain any advertisements and "No Trespassing" signs shall be mounted on the fencing in conspicuous location around the site. Access openings in such fencing shall be protected by gates that are normally kept closed during the day and secured by lock when there is no construction activity.

(Code 1996, § 22-6; Ord. No. F-1044, § 1, 5-16-2005; Ord. No. F-1396, § 1, 12-1-2008)

Sec. 22-7. - Overhead sanitary and storm sewers.

(a) *Overhead sanitary sewers.*

- (1) An overhead sanitary sewer shall be required to be constructed in the lowest level of a structure where the lowest level of the structure has, or is required to have, sanitary plumbing fixtures and/or drains, for the following:
  - a. All new structures;
  - b. All existing structures undergoing new additions that include expansion of the lowest level of the existing structure;
  - c. All existing structures undergoing new basement remodeling.

For the purpose of this section, the term "lowest level of a structure" includes basements, floors, rooms or occupancy areas of the structure below ground level.

- (2) Plumbing fixtures and drains to be served by an overhead sanitary sewer shall drain into an ejection pit with a pump. The ejection pit shall be properly sealed, vented and located to receive sewage by gravity flow from which the sewage shall be pumped and discharged into the sanitary sewer service line of the structure. The discharge line of the pump shall be a minimum of two inches in diameter and shall be equipped with a back-flow check valve and gate valve. Plumbing fixtures above the elevation of the lowest level of the structure shall drain entirely by gravity and shall not be drained through the ejection pit.

(b) *Overhead storm sewers (sump pumps).*

- (1) An overhead storm sewer shall be required for all new structures and new additions to existing structures, which have foundation footing tile drains. The foundation footing tile drain shall be directly connected and flow by gravity to a sump pit with pump. A back-flow check valve shall be placed in the discharge line from the pump. The discharge line from the pump shall be a minimum size of one and one-half inches. All sump pits shall have a cover. The discharge line from an overhead storm sewer shall exit the structure through an exterior wall to the outside no less than 18 inches beyond the exterior wall of the structure.
- (2) The discharge line of a new overhead storm sewer sump pump shall allow for the disposal of the overhead storm sewer contents into a storm sewer service line directly connected to a private storm sewer service which is then connected to a city storm sewer. If a city storm sewer is not available to serve the structure, a dry-well or a best management practice designed for stormwater discharge, approved by the Director of engineering, shall be constructed on the property. For the purpose of this section, a city storm sewer is available to serve a structure when a city storm sewer is within the city right-of-way adjacent to the property of the structure, or within an easement on or immediately adjacent to the property of the structure.

(Code 1996, § 22-7; Ord. No. F-1044, § 1, 5-16-2005; Ord. No. F-1979, § 1, 12-19-2016)

Sec. 22-8. - Lawn irrigation or snowmelt systems within right-of-way or parkway, permit and fee.

## Exhibit A

- (a) No person shall install any lawn irrigation or snowmelt system within a right-of-way or parkway without having first secured a right-of-way permit and a construction, use and indemnification agreement from the city. By applying for and receiving a permit, personally or through a contractor, the owner of a lawn irrigation or snowmelt system, successors, heirs, and assigns shall be subject to the following terms and conditions:
  - (1) The sole responsibility for the maintenance and repairs to the lawn irrigation or snowmelt system shall be and remain the obligation of the owner, successors, heirs, and assigns;
  - (2) Any construction use, and indemnification agreement shall require approval by the corporate authorities of the city; and
  - (3) The owner of an irrigation system or snowmelt system, as a mandatory condition of a construction, use and indemnification agreement shall release the city, its elected and appointed officials, utilities company's and contractors from any and all claims, damages, injuries, or costs of any type whatsoever, which may occur to the system in the right-of-way or parkway, or where the portion of the system located in the right-of-way or parkway connects to any portion of the system located on private property regardless of cause. Furthermore, the owner shall defend, indemnify, and hold the city harmless from any and all claims, actions, costs, judgments, injuries, property damage, expenses (including reasonable attorneys' and experts' fees) which arise or may be caused by the negligence of the owner, or owner's agent, as a result of the design, construction, maintenance, use or abandonment of the lawn irrigation or snowmelt system. An additional condition of any construction use and indemnification agreement shall be that the owner agrees to pay the city the full costs of any damage to any city equipment or property caused by the presence of system regardless of cause and with a full waiver of comparative negligence or a defense of willful and wanton misconduct against the city, its employees and agents.
- (b) Lawn irrigation systems shall be designed, installed, and operated as not to spray water onto the sidewalk, curb, gutter or street. Snowmelt systems shall be designed, installed and operated so as not to cause any accumulation of ice on public sidewalks, curbs, gutters, and roadways.
- (c) Every snowmelt system within the right-of-way or parkway shall be separately zoned from any portion of a connected snowmelt system on private property so that portion of the snowmelt system within the right-of-way or parkway can be turned off at the request of the city. Where any snowmelt system has or is creating a dangerous condition through the build-up of ice on any sidewalk or curb, gutter, street or alley or any neighboring sidewalk, curb gutter, street or alley, the city may, in its sole discretion, upon direction of any employee of the city building or police department, require the owner or other person having control of the snowmelt system to turn off the snowmelt functions in one or more of the zones. Any person refusing at the request of an employee of the city building department or police department to turn a snowmelt system off shall be in violation of this section and their construction, use and indemnification agreement.
- (d) The boiler associated with the snowmelt system shall have a minimum efficiency of 85 percent. The snowmelt system shall have automatic controls capable of shutting off the system when the pavement temperature is above 50 degrees Fahrenheit and no precipitation is falling and an automatic or manual control that will allow shutoff when the outdoor temperature is above 40 degrees Fahrenheit.
- (e) Fees for irrigation or snowmelt systems within right-of-way or parkway shall be in accordance with appendix B to this Code. The application fee shall be waived in its entirety when applicant installs a

snowmelt system that offsets its energy use with a minimum of 25 percent on-site renewable energy sources.

(Code 1996, § 22-8; Ord. No. F-1519, § 1, 10-18-2010; Ord. No. F-1712, § 1, 5-20-2013)

**Editor's note—** Ord. No. F-1519, § 1, adopted Oct. 18, 2010, amended § 22-8 in its entirety as set out herein. The former § 22-8 pertained to sprinkling systems within right-of-way or parkway, permit and fee and derived from Ord. No. F-1044, § 1, adopted May 16, 2005.

Sec. 22-9. - Certificate of use and occupancy of nonresidential structures.

- (a) No new nonresidential structure, unoccupied nonresidential structure or nonresidential structure having a proposed change in use or occupant shall be occupied, in whole or in part, until a certificate of use and occupancy has been issued by the code official.
- (b) For purposes of this section, the phrase "change in occupant" shall mean any new occupant or proposed change in occupancy by any legally distinct person or entity. Change in occupancy as used in this section shall not be applicable to a change in occupant of an individual rental locker in structures containing multiple rental lockers used for the storage of household items, office files and furniture, or other personal and office related items.
- (c) Any person or entity proposing a change in use or change in occupancy for a new nonresidential structure, an unoccupied nonresidential structure or an occupied nonresidential, shall submit an application on a form provided by the code official prior to a change in use or change in occupancy. All fees shall be in accordance with appendix B to this Code.
- (d) No certificate of use and occupancy shall be issued by the code official unless the proposed use is in conformance with the city's zoning ordinance and applicable occupancy standards set forth in the building codes as adopted by the city.

(Code 1996, § 22-9; Ord. No. F-1044, § 1, 5-16-2005)

Sec. 22-10. - Premises identification.

- (a) Duty of owners. Prior to the issuance of an occupancy permit for any new buildings, additions, alterations or any other changes for which an occupancy permit is required, other than for accessory buildings, it shall be the owner's duty to have placed, in a location easily observed, clear of obstruction and readable from the roadway, alley or similar access, Arabic numerals at least four inches high with a minimum stroke width of 0.5 inches showing the address of the building or structure. House and building numbers shall contrast with the background, shall be constructed of durable materials, be permanently installed and be readily visible. Script or written numbers are not permitted. On corner lots where the building faces the intersecting street, additional numbers shall also be placed on the side of the buildings street address.
- (b) All buildings with multiple tenants or units shall have signage to indicate the direction to each number tenant space. This direction signage shall also be placed in the corridor across from the stairs/elevator door. All tenant spaces shall have a sign which indicates the tenant space number. Letters and numbers shall contrast with the background and shall be a minimum of two inches in height with a minimum stroke of 0.25 inches. The tenant space numbers shall be constructed of durable materials, be permanently installed and be readily visible.

## Exhibit A

- (c) Where there are additional doors which will be used as exit/access for firefighting, Arabic numerals a minimum of four inches in height with a minimum stroke of 0.5 inch shall be applied to the additional door to indicate the address. The address shall be visible from the parking lot or fire apparatus access.
- (d) This section applies to all new construction, change of ownership, tenant changes and commercial re-occupancies.
- (e) It shall be unlawful for any person to fail to number in compliance with this section any building owned by him after receiving notice to do so from the code enforcement officer of the city.

(Code 1996, § 22-10; Ord. No. F-1044, § 1, 5-16-2005)

### Sec. 22-11. - Mud/construction materials and debris on streets.

The builder or builders will be required to keep the streets that are open to the general public clean during building construction. It is understood that they will clean the streets when needed by the direction of the code official or at the end of each day. If the streets are not cleaned they will be cleaned by a contractor chosen by the city, and the builder or builders will be required to reimburse the city prior to the issuance of a certificate of occupancy.

(Code 1996, § 22-11; Ord. No. F-1044, § 1, 5-16-2005)

### Sec. 22-12. - Means/board of appeals.

- (a) *General.* The code official is hereby authorized and directed to enforce the provisions of the ICC Building Code, Residential Code, Electrical Code, Mechanical Code, Fuel Gas Code, Energy Conservation Code, Plumbing Code, Fire Code, ~~and~~ Property Maintenance Code, Existing Building Code, the Swimming Pool and Spa Code, and the International Solar Energy Provisions as adopted and amended. The code official shall have the authority to render interpretations of the codes and adopt policies and procedures in order to clarify the application of its provisions in compliance with the intent and purpose of the code.
- (b) *Application for appeal.* Any person or entity directly affected by an interpretation of the code official or the code official's denial of alternative materials, methods and equipment under any code identified in subsection (a) of this section shall have the right to appeal to a board of appeals provided that a written application for the appeal is filed within 20 days after the date of the plan review, field inspection or finding is delivered to the person or entity. An application for appeal shall be based on a claim that the true intent of the code or rules adopted thereunder have been incorrectly interpreted, that the provisions of this code do not fully apply, or that the requirements of this code are adequately satisfied by other means. Prior to convening a board of appeals the city attorney will examine the written application to determine whether it *prima facie* satisfies a basis of appeal as specified in this section. Upon a determination by the city attorney that the appeal is a *prima facie* appeal, a board of appeals shall be convened.
- (c) *Membership of the board.* The board of appeals shall consist of three members who shall be appointed at the time of the appeal and who are qualified by experience and training to pass on matters pertaining to building and construction and who are not employees of the city. The code official shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be appointed as follows: the code official and the appellant shall each submit three

names of persons who are qualified by experience and training to pass on matters pertaining to the appeal. A draw shall be held in which one of each of the code official's and the appellant's nominated candidates for the board of appeal shall be drawn. The two selected members of the board of appeal shall then meet and select the third member of the panel. The board shall be appointed within 30 days of the written application for appeal. The third member shall act as chairman.

- (d) *Burden of proceeding and proof.* It shall be the appellant's burden to both proceed and prove that the appeal should be granted. The code official may respond to any evidence or argument submitted by the appellant. Both the code official and the appellant may be represented by counsel.
- (e) *Compensation of members.* Compensation of members shall be determined at the prevailing hourly rate in the industry for persons of similar experience and training.
- (f) *Notice of the meeting.*
  - (1) The board shall meet upon notice from the chairman within 20 days of its appointment.
  - (2) All hearings before the board shall comply with the Illinois Open Meetings Act. A quorum shall consist of not less than all three members of the board.
- (g) *Board decision.* The board shall sustain, modify or reverse in part or in whole the decision of the code official only by a concurring vote of a majority of the members.
  - (1) *Records and copies.* A record of proceedings before the board shall be maintained by recording or transcript prepared by a court reporter.
  - (2) *Administration.* The code official shall take immediate action in accordance with the decision of the board unless the city council authorizes the code official to file an administrative review action of the board's decision.
- (h) *Court review.* Any review of the board's action by a court of law shall be only based upon the record before the board and in conformance with administrative review burdens and standards established under state law.
- (i) *Costs.* Any appellant losing the appeal shall reimburse the city for all costs and expenses incurred in consequence of the proceedings before the board, including compensation of members as provided for in subsection (e) of this section. The code official may withhold building or occupancy permits until the sum is paid. If the appellant prevails by final non-appealable order, the city and the appellant shall each bear one-half of the total costs and expenses of the proceedings before the board.

(Code 1996, § 22-12; Ord. No. F-1044, § 1, 5-16-2005; Ord. No. F-1774, § 3, 4-21-2014)

Secs. 22-13, 22-14. - Reserved.

## ARTICLE II. - CONTRACTORS

### DIVISION 1. - GENERALLY

Sec. 22-15. - Definitions.

## Exhibit A

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Building trades* means and includes, but is not limited to, cement, concrete or paving contractors (private property), masonry contractors, carpentry contractors, lathing contractors, steam fitting contractors, sheet metal contractors, glazing contractors, dry wall contractors, painting contractors, landscaping contractors, tuck pointing contractors, ~~resulting contractors~~, and drain layers.

*Contractor* means one that agrees to furnish materials or perform services at a specified price, especially for construction work. The term "building contractor," when used in this article, shall mean any person engaged in the business of constructing, altering, repairing or razing buildings or other structures. Any person who engages in the construction, repair or alteration of any building, structure, within the city, for which a building permit is required, is presumed to be a contractor ~~and must be licensed/registered hereunder unless such presumption is rebutted.~~

*Electrical contractor* means any person engaged in the business of installing or altering, by contract or otherwise, electrical equipment for the utilization of electricity supplied for light, heat or power, not including radio apparatus or equipment for wireless reception of sounds and signals or similar. The term "electrical contractor" does not include employees employed by such contractor to do supervisory work. Licenses are issued by municipalities.

*Fire equipment distributor* means any person, company or corporation that services, recharges, hydro-tests, inspects, installs, maintains, alters, repairs, replaces, or services fire extinguishing devices or systems, other than water sprinkler systems, for customers, clients, or other third parties. Licenses are issued by the State of Illinois.

*Fire sprinkler contractor* means a person who holds himself out to be in the business of or contracts with a person to install or repair a fire sprinkler system. Fire sprinkler system means any water-based automatic fire extinguishing system employing fire sprinklers, including accessory fire pumps, and associating piping, fire standpipes, or underground fire main systems starting at the connection to the water service after the approved backflow device is installed under the requirements of the state plumbing code and ending at the most remote fire sprinkler. Licenses are issued by the State of Illinois.

*General contractor* means any contractor who performs, controls or subcontracts to one or more contractors/type of construction or who has a direct contract with the owner/developer/agent of the property proposed to be improved shall be deemed a general contractor for the purposes of this Code.

*Heating, air conditioning and refrigeration contractor* means any person engaged in the business of installing, altering, or servicing heating, air conditioning or refrigerating systems.

*Listed contractors* are those contractors or individuals that are identified (listed) on a permit application including state licensed contractors, rights-of-way contractors as well as general contractors, electrical contractors, mechanical contractors, demolition contractors, house moving contractors, plumbing contractors, roofing contractors, fire sprinkler contractors, and fire alarm contractors.

*Plumbing* includes all piping, fixtures, appurtenances, and appliances for a supply of water for all purposes, including without limitation lawn sprinkler systems and backflow prevention devices connected to lawn sprinkler systems, from the source of a private water supply on the premises or from the main in the street, alley or at the curb to, within and about any building or buildings where a person or persons live, work or assemble. The term "plumbing" further includes all piping, fixtures, appurtenances, and appliances for a building drain and a sanitary drainage and related ventilation system of any building or buildings where a person lives, works or assembles from the point of

connection of such building drain to the building sewer or private sewage disposal system five feet beyond the foundation walls.

*Plumbing contractor/irrigation contractor* means any licensed person authorized to perform plumbing as defined in this chapter. Licenses are issued by the Illinois Department of Public Health.

*Right of way contractors* means those contractors performing work on City property including but not limited to work on sanitary sewer, storm sewer, water lines, sidewalks, drive approaches, and similar. (See Sect. 22-25 Other Requirements).

*Roofing contractor* means one whose services are unlimited in the roofing trade and who has the experience, knowledge, and skill to construct, reconstruct, alter, maintain, and repair roofs and use materials and items used in the construction, reconstruction, alteration, maintenance and repair of all kinds of roofing and waterproofing, all in such manner to comply with all plans, specifications, codes, laws, and regulations applicable thereto. Licenses are issued by the Illinois Department of Professional Regulations.

*Limited roofing license* means a license made available to contractors whose roofing business is limited to residential roofing, including residential properties consisting of eight units or less.

*Unlimited roofing license* means a license made available to contractors whose roofing business is unlimited in nature and includes roofing on residential, commercial, and industrial properties.

(Code 1996, § 22-15; Ord. No. F-1044, § 1, 5-16-2005)

DIVISION 2. — PERMIT APPLICATION/LICENSE/REGISTRATION<sup>[2]</sup>

Sec. 22-16. — Registration.

Application for Permit shall include the full name of the contractor, firm or corporation, the cell phone number and/or a land-based phone number, email address, and the street address other than a post office box or City contractor ID.

Footnotes:

--- (2) ---

**State Law reference**— Registration of electrical contractors, 65 ILCS 5/11-33-1; Elevator Safety and Regulation Act, 225 ILCS 312/1 et seq.; Fire Sprinkler Contractor Licensing Act, 225 ILCS 317/1 et seq.; Fire Equipment Distributor and Employee Regulation Act of 2000, 225 ILCS 216/1 et seq.; Private Detective, Private Alarm, Private Security and Locksmith Act of 2004, 225 ILCS 447; Regulation of Heating, Air Conditioning and Refrigeration Installations, 65 ILCS 5/11-32-1; Illinois Plumbing License Law, 225 ILCS 320/0.01 et seq.; Illinois Roofing Industry Licensing Act, 225 ILCS 335/1.

Sec. 22-16. — Permit Requirements.

Application for Permit shall include the full name of the contractor, firm or corporation, the cell phone number and/or a land-based phone number, email address, and the street address other than a post office box or City contractor ID.

Sec. 22-167. - Required; registration. Listed Contractors.

Listed contractors are required to identify their cost of work to allow permit fees to be established. It shall be unlawful for any person to engage in the business of general contractor, electrical contractors, mechanical contractor, demolition (principal and accessory) contractor, (building) moving contractor, or right of way contractor or fire alarm contractor without first being registered as a contractor by the city and paying the registration fee. This registration also applies to fire sprinkler contractors, fire equipment distributor contractors, plumbing/irrigation contractors, roofing contractors, elevator contractors and/or other contractors who are licensed by the state identified and listed on a City of Wheaton Application for Permit.

(Code 1996, § 22-16; Ord. No. F-1044, § 1, 5-16-2005)

Sec. 22-18. -

Cost of Work

The reasonable estimated cost (for example, based on current cost data listed by an authoritative technical organization) of accomplishing the proposed construction or alteration as determined by the architects/engineer and approved by the administrative authority.

Sec. 22-179. - Reciprocity.

If a contractor is licensed for the current year with the state, in conformity with the state statutes, such contractor shall not be required to pay the registration fee for such year in the city. If an electrical contractor is licensed/registered in another municipality, such contractor shall not be required to pay the registration fee for such year in the City of Wheaton. The contractor shall, however, be required to provide to the director of building and code enforcement a copy of his current license and other information as necessary. The term of the registration shall coincide with the expiration of such license.

(Code 1996, § 22-17; Ord. No. F-1044, § 1, 5-16-2005)

Sec. 22-1820. - Registration and affidavit.

(a) Each person desiring to become registered in the city as one of the types of contractors regulated by section 22-165 shall file an application with the director of building and code enforcement. Each applicant shall file as part of the registration an affidavit setting forth that the applicant, if an individual, or at least one member of the corporation, if the applicant is a corporation, has a thorough knowledge of all the codes, amendments, ordinances and regulations of the city governing his business.

(b) Application shall include the full name of the contractor, firm or corporation, the phone number and/or a land based phone number and the street address other than a post office box.

(Code 1996, § 22-18; Ord. No. F-1044, § 1, 5-16-2005)

Sec. 22-1921. Fee.

~~The fee for registration as a contractor regulated by section 22-165 shall be in accordance with appendix B to this Code, payable at the time application for registration is made. Fees shall not be prorated.~~

~~(Code 1996, § 22-19; Ord. No. F-1044, § 1, 5-16-2005; Ord. No. F-1712, § 2, 5-20-2013)~~

Sec. 22-202. Term of registration; not transferable.

~~Registration under this article shall expire one year from the date of issuance or upon cancellation of the required bond. Registrations are not transferable. In the case of a state licensed contractor the expiration of the registration shall coincide with the date of the license.~~

~~(Code 1996, § 22-20; Ord. No. F-1044, § 1, 5-16-2005)~~

Sec. 22-213. Licenses issued by the city.

~~Upon expiration, any and all licenses issued by the city will be renewed as a registration subject to the requirements of this division.~~

~~(Code 1996, § 22-21; Ord. No. F-1044, § 1, 5-16-2005)~~

Sec. 22-19224. — Plumbing State Licensed contractors registration.

~~All state licensed plumbersplumbing, roofing, fire sprinkler, and fire alarm contractors desiring to do plumbing work in the city ~~must~~shall supply a copy of their state plumbing contractor registration. license when they apply for a permit. State licensed Plumbing contractors also require letter of intent, roofing contractors shall provide ~~copy of driver's license.~~ Electrical contractors ~~must~~shall supply a copy of their state registration or license issued by another municipality.~~

~~(Code 1996, § 22-22; Ord. No. F-1044, § 1, 5-16-2005)~~

Sec. 22-235. — Bond — Required.

~~Electrical Each contractors regulated by section 22-16 shall post a bond executed by a corporate or individual surety in a form approved by the city attorney in the penal sum of \$10,000.00 to insure conformity with the laws, ordinances, and rules of the city. The bond shall name the principal and the type of business for which the bond is issued; such bond shall further name the city as the obligee. The bond shall remain in full force and effect and be continuous until cancelled. All bonds require a 30-day notice of cancellation. City bBond requirements do not apply to plumbing, roofing or other contractors who fulfill bond requirements of the state unless otherwise stated state licensed contractors.~~

~~(Code 1996, § 22-23; Ord. No. F-1044, § 1, 5-16-2005)~~

Sec. 22-246. — Same — Cancellation.

~~All work for which the bond is required shall be completed in accordance with the laws, ordinances, and rules of the city, and all such work must be certified by the director of building and code enforcement before the bond required by section 22-23 can be cancelled. Certification of completion shall mean a final inspection and/or certificate of occupancy of all projects. If work is not completed in conformity with the laws, ordinances and rules of the city, the director of building and code enforcement may cause such work to be completed or corrected as may be required, and the cost of such completion or correction shall be paid to the obligee. If the bond is cancelled by the surety, all permits shall become invalid upon the date of termination.~~

(Code 1996, § 22-24; Ord. No. F-1044, § 1, 5-16-2005)

Sec. 22-2057. - ~~P~~Other requirements; public right-of-way requirements.

~~All contractors who perform work on city property or on the public right of way shall be registered and pay the registration fee as required in this chapter.~~ Contractors performing work on city property or on the public way shall provide bond and insurance as required in chapter 58 of this Code. House moving contractors shall provide bond and insurance as specified in chapter 58 of this Code.

(Code 1996, § 22-25; Ord. No. F-1044, § 1, 5-16-2005)

Sec. 22-2618. - Change in contractor.

In the event a contractor listed on the building permit application changes, it is the obligation of the owner/general contractor to notify the department of building and code enforcement. Such notification shall be in writing and include the name of the contractor to be removed and the name of the contractor to be added. The new contractor shall subsequently comply with the provisions of this chapter.

(Code 1996, § 22-26; Ord. No. F-1044, § 1, 5-16-2005)

Sec. 22-2729. - Failure to notify.

Failure to notify the department of building and code enforcement of the change of contractor or to supply the required information prior to performing any work shall result in a stop work order being issued.

(Code 1996, § 22-27; Ord. No. F-1044, § 1, 5-16-2005)

Sec. 22-~~282330~~. - Property owner requirements.

The provisions of this chapter shall not require the owner of properties which are rented, leased or otherwise not occupied by the owner and all commercial and/or multifamily dwellings to be licensed or registered as a contractor, except for plumbing, provided that such work complies with applicable codes and that he does not employ an assistant. In all cases where the owner of a property is doing his own work, the permit application shall be signed by such owner. Nothing in this chapter shall prohibit the owner occupant or lessee occupant of a single-family residence from planning, installing, altering or repairing the plumbing system provided that such work complies with the state plumbing license law and applicable codes.

(Code 1996, § 22-28; Ord. No. F-1044, § 1, 5-16-2005)

Sec. 22-~~292431~~. - Reserved.

ARTICLE III. - BUILDING CODE<sup>[3]</sup>

Footnotes:

--- (3) ---

~~Editor's note—Ord. No. F-1774, § 1(exh. A), adopted April 21, 2014, repealed Art. III in its entirety and enacted a new Art. III to read as set out herein. Former Art. III, §§ 22-30—22-33, pertained to similar subject matter and derived from Ord. No. F-1044, § 1, adopted May 16, 2005; and Ord. No. F-1187, § 1, adopted July 17, 2006.~~

Sec. 22-30. - Adoption.

The ICC International Building Code/[20122018](#) with referenced standards and Appendix I ([Patio Covers](#)) and K ([Administrative Provisions](#)), as published by the International Code Council, Inc., together with the additions, insertions, deletions and changes prescribed in this article, is hereby adopted by reference and made a part of this chapter as if fully set forth herein as the standards, rules and regulations for the design, construction, alteration, repair, use and maintenance of buildings and structural appurtenances in the city.

(Code 1996, § 22-30; Ord. No. F-1774, § 1(exh. A), 4-21-2014)

**State Law reference—** Authority of municipality to adopt technical codes by reference, 65 ILCS 5/1-3-1 et seq.

Sec. 22-31. - Amendments.

- (a) The additions, insertions, deletions and changes set out in this section are hereby made to the ICC International Building Code/[20122018](#) adopted in section 22-30.
- (b) Any reference in the building code to the "building official" shall mean the director of building and code enforcement of the city.
- (c) Any reference in the building code to the "name of jurisdiction" shall mean the City of Wheaton.
- (d) Any reference in the building code to the "chief appointing authority" shall mean the city manager or the city council, as prescribed by ordinance.
- (e) Any reference in the building code to the "department of building safety" shall mean the department of building and code enforcement of the city.
- (f) Any reference in the building code to the date or time at which the provisions of such code became applicable shall mean the adopted date, which shall be the effective date of the ordinance from which this article is derived, or as provided by law.

(g) If any provision of the building code is in conflict with any provision of the city zoning ordinance and any amendments thereto, the provisions of the latter shall prevail.

(h) The following sections or subsections of the building code are amended as indicated:

Section 109.2 *Schedule of permit fees*. Change to read:

Fees shall be paid in accordance with the Wheaton City Code, appendix B, fee schedule.

Section 109.3 *Building permit valuation*. Change to read:

Fees shall be paid in accordance with the Wheaton City Code, appendix B, fee schedule.

Section 113 *Board of appeals*. Change to read:

Any references to the board/means of appeal shall comply with Wheaton City Code, section 22-12, means/board of appeals.

Section 114.4 *Violation penalties*. Change to read:

See Wheaton City Code, section 22-3.

Section 501.2 *Address identification*. Change to read:

All address identification shall comply with Wheaton City Code, section 22-10.

Section [F] 903.2 *Where required*. Change to read (exception remains):

Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.13.

Section [F] 903.2.1.1 *Group A-1*, Item 1. Change to read:

The fire area exceeds 5,000 square feet.

Section [F] 903.2.1.3 *Group A-3*, Item 1. Change to read:

The fire area exceeds 5,000 square feet.

Section [F] 903.2.1.4 *Group A-4*, Item 1. Change to read:

The fire area exceeds 5,000 square feet.

Section [F] 903.2.2 *Group B*, Item 1. Change to read:

An automatic sprinkler system shall be provided for all Group B occupancies where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet;

2. A Group B fire area is located more than three (3) stories above grade plane.

2. 3. A Group R fire area is located above a Group B fire area.

Section [F] 903.2.3 *Group E*, Item 1. Change to read:

Throughout all Group E fire areas greater than 5,000 square feet.

Section [F] 903.2.4 *Group F-1*, Item 1. Change to read:

A Group F-1 fire area exceeds 5,000 square feet.

Section [F] 903.2.4 *Group F-1*, Item 3. Change to read:

The combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds 10,000 square feet.

Section [F] 903.2.7 *Group M*, Item 1. Change to read:

A Group M fire area exceeds 5,000 square feet.

Section [F] 903.2.7 *Group M*, Item 3. Change to read:

The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 10,000 square feet.

Section [F] 903.2.9 *Group S-1*, Item 1. Change to read:

A Group S-1 fire area exceeds 5,000 square feet.

Section [F] 903.2.9 *Group S-1*, Item 3. Change to read:

The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 10,000 square feet.

Section [F] 903.2.9.1 *Repair garages*, Item 1. Change to read:

Buildings having two or more stories above grade plane, including basements, with a fire area containing a repair garage exceeding 5,000 square feet.

Section [F] 903.2.9.1 *Repair garages*, Item 2. Change to read:

Buildings no more than one story above grade plane, with a fire area containing a repair garage exceeding 5,000 square feet.

Add the following section:

Section [F] 903.2.13 *Group B*. An automatic sprinkler system shall be provided for Group B occupancies where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet.
2. A Group B fire area is located more than three stories above grade plane.
3. A Group R fire area is located above a Group B fire area.

Section [F] 903.4.1 *Monitoring*. Change to read (exceptions remain):

Alarm, supervisory and trouble signals shall be distinctly different and automatically transmitted directly to the fire alarm receiving equipment of the City of Wheaton.

Add the following sections:

Section [F] 903.6 *Valve room*. Main water supply control valves for fire suppression or standpipe systems regulated by this code shall be enclosed in an approved valve room.

Section [F] 903.6.1 *Construction*. Valve rooms shall be enclosed with fire barrier and fire door assemblies having a fire resistance of at least one hour. Valve rooms shall be large enough to enclose all equipment to be protected plus at least three feet of service access around the equipment.

## Exhibit A

Section [F] 903.6.2 *Access*. Unless otherwise approved by the code official, access to the valve room shall be from the exterior of the building through approved doors. The maximum number of doors that have to be passed through to access the room shall be one.

Section [F] 903.6.3 *Heat and ventilation*. Valve rooms shall be equipped with ventilation as required for utility rooms/special areas in the mechanical code as listed in the referenced standards. Fixed heating equipment shall be provided in accordance with the mechanical code as listed in the referenced standards and shall be capable of maintaining a minimum ambient temperature of 40 degrees Fahrenheit within the valve room. Electrical fixed heating equipment, if used, shall be powered from a dedicated branch circuit equipped with a breaker lock.

Section [F] 903.6.4 *Drainage*. Valve rooms shall be equipped with a floor drain in accordance with the plumbing code as listed in the referenced standards.

Section [F] 904.3.5 *Monitoring*. Change to read:

Automatic fire-extinguishing systems shall be monitored by the building fire alarm system in accordance with NFPA 72.

Section 1612.3 *Establishment of flood hazard areas*. Insert the following:

DuPage County, Illinois, and Incorporated Areas, dated March 2007.

Add the following section:

~~Section 3401.3.1 *Required installation of smoke alarms and sprinkler systems*. When the cost of proposed construction is at least 25 percent of the value of the building, smoke alarms shall be installed in accordance with Section [F] 1103.7.8. However, if the cost of proposed construction is at least 50 percent of the value of the building, sprinklers shall be installed in accordance with Section [F] 1103.5.3. Compliance with this section is mandatory once either of the aforementioned conditions is met despite any efforts to comply with other sections of this chapter and should not be construed to reduce or invalidate any other obligations contained herein.~~

Section 3412.2 *Applicability*. Change to read:

~~Structures in which there is work involving additions, alterations or changes of occupancy shall be made to comply with the requirements of this section or the provisions of Sections 3403 through 3409. The provisions in Sections 3412.2.1 through 3412.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be in Groups A, B, C, D, E, F, G, H, I, M, P, R, S and U. These provisions shall not apply to buildings with occupancies in the Group H or I.~~

Add the following section:

~~Section 3412.1.1 *Required installation of smoke alarms and sprinkler systems*. When the cost of proposed construction is at least 25 percent of the value of the building, smoke alarms shall be installed in accordance with Section [F] 1103.7.8. However, if the cost of proposed construction is at least 50 percent of the value of the building, sprinklers shall be installed in accordance with Section [F] 1103.5.3. Compliance with this section is mandatory once either of the aforementioned conditions is met despite any efforts to comply with other sections of this chapter and should not be construed to reduce or invalidate any other obligations contained herein.~~

Appendix I, Patio Covers, Section 1101.1 *General*. Change to read:

Patio covers shall be permitted only when attached to the dwelling unit and in compliance with the Zoning Ordinance. Patio covers shall be used only for recreational, outdoor living purposes and not as carports, garages, storage rooms or habitable rooms. Openings shall be permitted to be enclosed with insect screening, approved translucent or transparent plastic not more than 0.125 inch in thickness, glass conforming to the provisions of Chapter 24 or any combination of the foregoing.

(Code 1996, § 22-32; Ord. No. F-1774, § 1(exh. A), 4-21-2014)

Secs. 22-32—22-39. - Reserved.

### ARTICLE IV. - RESIDENTIAL CODE<sup>[4]</sup>

Footnotes:

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**Editor's note**— Ord. No. F-1774, § 1(exh. A), adopted April 21, 2014, repealed Art. IV in its entirety and enacted a new Art. IV to read as set out herein. Former Art. IV, §§ 22-40—22-42, pertained to similar subject matter and derived from Ord. No. F-1044, § 1, adopted May 16, 2005.

Sec. 22-40. - Adoption.

- (a) The ICC International Residential Code/[20122018](#) with referenced standards and Appendices A, B, C, G, H, and O, as published by the International Code Council, Inc., together with the additions, insertions, deletions and changes prescribed in this article, is hereby adopted by reference and made a part of this article, the same as if fully set forth herein, as the standards, rules and regulations for the design, construction, alteration, repair, use and maintenance of buildings and structural appurtenances in the city.
- (b) All new residential construction shall include passive resistant radon construction as provided for by State of Illinois Public Act 97-0953.

(Code 1996, § 22-40; Ord. No. F-1774, § 1(exh. A), 4-21-2014)

Sec. 22-41. - Amendments.

- (a) The additions, insertions, deletions and changes set out in this section are hereby made to the ICC International Residential Code/[20122018](#), as adopted in section 22-40.
- (b) Any reference in the residential code to the "building official" shall mean the director of building and code enforcement of the city.
- (c) Any reference in the residential code to the "name of jurisdiction" shall mean the City of Wheaton.
- (d) Any reference in the residential code to the "chief appointing authority" shall mean the city manager or the city council, as prescribed by ordinance.
- (e) Any reference in the residential code to the "department of building safety" shall mean the department of building and code enforcement of the city.

## Exhibit A

- (f) Any reference in the residential code to the date or time at which the provisions of such code became applicable shall mean the adopted date, which shall be the effective date of the ordinance from which this article is derived, or as provided by law.
- (g) If any provision of the residential code is in conflict with any provision of the city zoning ordinance, and any amendments thereto, the provisions of the latter shall prevail.
- (h) The following sections or subsections of the residential code are amended as indicated:

Section R101.2 *Scope*. Add the following:

The International Building Code may be referenced for additional information and/or clarifications.

Section R105.2 *Work exempt from permit*. The following items, listed under the heading "Building," shall be deleted in their entirety:

Item # 1, 2, 3, 4, 5, ~~and 9, and 10~~.

Section R105.7 *Placement of permit*. Add the following:

The permit shall be visible from the street, accessible, and near the front door.

Add the following section:

Section R105.10 *Completion of work*. It shall be the responsibility of the owner of every property for which a permit is issued to complete the work in accordance with the plans prior to the expiration of such permit. All exterior work shall be completed no later than one year from the date of permit issuance; however the building official is authorized to grant an extension of time for a period not to exceed 180 days if an extension is requested in writing and justifiable cause demonstrated.

Section R106.1 *Submittal documents*. Change to read:

Submittal documents consisting of construction documents and other data shall be submitted in two or more sets with each application for a permit. The construction documents shall be prepared, signed, and sealed by a registered Illinois Design Professional for all new detached one- and two-family dwellings, townhomes not exceeding three stories, residential additions exceeding 500 square feet in total area, and all second story additions. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Section R 112 *Board/Means of appeals*. Change to read:

Any references to the board/means of appeal shall comply with Wheaton City Code, section 22-12, means/board of appeals.

Section R 113.4 *Violation; penalties*. Change to read:

See Wheaton City Code, section 22-3, violations; penalties.

Table R301.2(1) Climatic and Geographic Design Criteria. Insert the following:

Ground Snow Load	25 psf
<del>Wind Speed (MPH/MPS)</del>	<del>3-second 90 normal 75-115 (51)</del>

## Exhibit A

<u>Topographic Effects</u>	No
<u>Special Wind Region</u>	No
<u>Windborne Debris Zone</u>	No
Seismic design category	A
Weathering	Severe
Frost line depth	42 inches
Termite	Moderate to heavy
Winter design temperature	-4 degrees F
<u>Ice shield-Barrier underlayment Required</u>	Yes
Flood hazard	June 15, 1979
Air freezing index	2000
Mean annual temperature	49.4 degrees F

### Manual J Design Criteria (heating/cooling)

<u>Elevation</u>	758
<u>Latitude</u>	42
<u>Winter Heating</u>	1
<u>Summer Cooling</u>	88 Degrees
<u>Altitude Correction Factor</u>	0.98
<u>Indoor Design Temperature</u>	72 Degrees F
<u>Design Temperature Cooling</u>	75 Degrees F
<u>Heating Temperature Difference</u>	72
<u>Cooling Temperature Difference</u>	15

## Exhibit A

<u>Wind Velocity Heating</u>	<u>15</u>
<u>Wind Velocity Cooling</u>	<u>7 1/2</u>
<u>Coincident Wet Bulb</u>	<u>74</u>
<u>Daily Range</u>	<u>M</u>
<u>Winter Humidity</u>	<u>40</u>
<u>Summer Humidity</u>	<u>2.25</u>

Table R302.6

*Dwelling/garage fire separation.* Add the following row:

Separation: Garages located less than 10 feet from a dwelling on the same lot Material: Not less than one-half-inch gypsum board or equivalent applied to all walls and ceilings.

*Section R310.1 Emergency escape and rescue required.* Add the following:

An emergency egress window is required for any basement addition or replacement of a basement exterior foundation wall-wall when the existing basement does not already have an emergency egress window.

*Section R310.6 Delete the language in the section inclusive of the exception and change to read:*

*An emergency escape or rescue opening is required where existing basements undergo alterations or repairs in accordance with Section 310.1.*

*Exception: Basements protected by an approved automatic fire sprinkler system.*

*Section R311.7.1 Width.* Add the following:

Stair stringers shall not exceed a maximum spacing of 36 inches on center or part thereof.

*Section R313.2 One- and two-family dwelling automatic fire systems. Delete in its entirety.*

*Add the following section.*

*Section R314.8 Heat Detectors. When constructing new detached one or two-family dwellings, Heat Detectors are required to shall be installed in any integral garage or attached garage. The heat detector shall receive primary power from the building wiring, and when primary power is interrupted, shall receive power from a battery. The heat detector shall be interconnected with the smoke alarm system in such a manner that activation of one alarm will activate all of the alarms in the individual unit.*

*Section R315.43 Carbon monoxide alarms.* Change to read:

*For new construction in dwelling units,* an approved carbon monoxide alarm shall be installed outside and within 15 feet of each separate sleeping area in the immediate vicinity of

the bedrooms in dwelling units within which fuel-fired appliances are installed and in dwelling units that have attached garages.

Section R317.1 *Location required*, Item 2. Change to read:

All sills or plates that rest on concrete or masonry exterior walls.

Section R319.1 *Address numbers*. Change to read:

All address identification shall comply with Wheaton City Code, section 22-10, premises identification.

Add the following section.

~~Section R312.64.8 Heat Detectors. When constructing new detached one or two family dwellings, Heat Detectors are required to be installed in any integral garage or attached garage. The heat detector shall receive primary power from the building wiring, and when primary power is interrupted, shall receive power from a battery. The heat detector shall be interconnected with the smoke alarm system in such a manner that activation of one alarm will activate all of the alarms in the individual unit.~~

Section R401.1 *Application*. Change to read:

The provisions of this chapter shall control the design and construction of the foundation and foundation spaces for all buildings. The use of wood footings and wood foundations is not allowed and all references to wood footings and foundations are hereby deleted.

Section R402.1 *Wood foundations*. Delete in its entirety.

Add the following Sections:

R403.1.1.1 Minimum Thickness. The minimum thickness, T, for concrete foundations shall be 10 inches.

R403.1.1.2 Trench Foundations. Trench foundations shall be allowed for residential additions not exceeding 500 square feet in total area and having an eave height of ten feet or less. The minimum width of the trench foundation shall be 12 inches.

Section R403.1.4.1 *Frost protection, Exception 1*. Change to read:

~~Protection of freestanding accessory structures with an area of 400 square feet or less, of light frame construction, with an eave height of ten feet or less shall not be required.~~

Section R403.1.4.1 *Frost protection, Exception 2*. Delete in its entirety.

Section R403.1.4.1 Frost Protection, Exception 3. Change to read:

~~Decks not supported by a dwelling unit that are accessible from the residence by egress doors or exterior doors need not be provided with footings that extend below the frost line.~~

Section R404.1 Concrete and Masonry Foundation Walls. Change to read:

R404.1 Concrete Foundation Walls. Concrete foundation walls shall be selected and constructed in accordance with the provisions of Section R404.1.3.

Section R404.1.1 Design Required. Change to read:

R404.1.1 Design Required. Concrete foundation walls shall be designed in accordance with the accepted engineering practice where either of the following conditions exist:

1. Walls are subject to hydrostatic pressure from ground water.
2. Walls supporting more than 48 inches of unbalanced backfill that do not have permanent lateral support at the top or bottom.

Section R404.1.2.1 Design of masonry foundation walls. Delete in its entirety.

Add the following Section:

R507.1.1 Free standing decks shall be defined as any deck structure that is structurally independent and does not serve an exterior door of an adjoining structure. 3 and 507.3.1 Footings. (Exception). Delete in its entirety.

Section R507.3.2 Minimum Depth, Exception 2. Change to read:

Decks not supported by a dwelling unit that are not accessible from the residence by egress doors or exterior doors need to be provided with footings that extend below the frost line.

Section R507.4.1, Exception. Delete in its entirety.

Add the following sections:

R502.2.2 Anchoring. The minimum size bolt for all connections where bolts are installed shall not be less than one-half inch in diameter. Where a ledger board is anchored to the building, two bolts shall be installed at the ends of each member and thereafter at a staggered spacing not to exceed 24 inches on center.

R502.2.3 Cantilevered framing. Cantilevered construction exceeding 24 inches beyond the structural support shall not be permitted without structural documentation and/or a design, sealed, signed and dated by a registered design professional.

Add the following section:

R807.2 *Location.* The attic access shall not be located in a closet.

Appendix H Patio Covers, Section AH101.2 Permitted Uses. Change to read:

Patio covers shall be permitted only when attached to the dwelling unit and in compliance with the city zoning ordinance. Patio covers shall be used only for recreational, outdoor living purposes and not as carports, garages, storage rooms or habitable rooms.

(Code 1996, § 22-41; Ord. No. F-1774, § 1(exh. A), 4-21-2014)

Secs. 22-42—22-49. - Reserved.

ARTICLE V. - ELECTRICAL CODES<sup>[5]</sup>

Footnotes:

--- (5) ---

**Editor's note**— Ord. No. F-1774, § 1(exh. A), adopted April 21, 2014, repealed Art. V in its entirety and enacted a new Art. V to read as set out herein. Former Art. V, §§ 22-50—22-53, pertained to similar subject matter and derived from Ord. No. F-1044, § 1, adopted May 16, 2005.

Sec. 22-50. - Adoption.

The NFPA 70 National Electrical Code/[20112017](#), prepared by the National Electrical Code Committee and acted on by the National Fire Protection Association, Inc., and the ICC International Building Code/[20122018](#), Appendix K, as published by the International Code Council Inc., together with the additions, insertions, deletions and changes prescribed in this article, are hereby adopted by reference and is made a part of this article as if fully set forth herein as the standards, rules and regulations for the design, construction, alteration, repair, use and maintenance of buildings and structural appurtenances in the city.

(Code 1996, § 22-50; Ord. No. F-1774, § 1(exh. A), 4-21-2014)

Sec. 22-51. - Amendments.

- (a) The additions, insertions, deletions and changes set out in this section are hereby made to the NFPA 70 National Electrical Code/[20112017](#) and the ICC International Building Code/[20122018](#), Appendix K adopted in section 22-50.
- (b) Any reference in the electrical provisions to the "code official" shall mean the director of building and code enforcement of the city.
- (c) Any reference in the electrical provisions to the "name of jurisdiction" shall mean the City of Wheaton.
- (d) Any reference in the electrical provisions to the "authority having jurisdiction" shall mean the city manager or the city council, as prescribed by ordinance.
- (e) Any reference in the electrical provisions to the date or time at which the provisions of such code became applicable shall mean the adopted date, which shall be the effective date of the ordinance from which this article is derived, or as provided by law.
- (f) The following sections or subsections of the NFPA 70 National Electrical Code/[20112017](#) are amended as indicated:

Add the following section:

210.8 (*DF*) *Location*. The ground-fault circuit-interrupter(s) required by this section shall be located in the same room as the receptacle(s) served.

Section 230.70 General (Service equipment—Disconnecting means), (A) Location, (I) Readily accessible location. Change to read:

## Exhibit A

The service disconnecting means shall be installed at a readily accessible location outside of a building or structure and be an integral part of the metering equipment. Exception: In other than one- and two-family dwellings:

- (1) The main disconnecting means can be in a mechanical/electrical room with exterior access provided that the electrical room has one-hour rated construction; or
- (2) The main disconnecting means can be in a mechanical/electrical room with interior access of not more than 20 feet travel distance provided that the room and access travel has one-hour rated construction.

Section 310.106 *Conductors, (B) Conductor material*. Add the following:

Sizes #8 AWG, #10 AWG and #12 AWG in aluminum and aluminum clad copper shall not be permitted.

Section 334.10 *Uses permitted (Non-metallic sheathed cable: Types NM, NMC, and NMS)*. Change to read:

Type NM, Type NMC, and type NMS cables shall be permitted to be used only for temporary wiring in accordance with Article 590, Temporary installations of this code in the following:

Section 340.10 *Uses permitted (Underground feeder and branch-circuit cable: Type UF)*, Item (3). Change to read:

For use only as temporary wiring in interior wiring in accordance with Article 590, Temporary installations of this code.

Section 362.10 *Uses permitted (Electrical nonmetallic tubing: Type ENT)*. Change to read:

For the purpose of this article the first floor of a building shall be that floor that has 50 percent or more of exterior wall surface level with or above finished grade. One additional level that is the first level and not designed for human habitation and used only for vehicle parking, storage, or similar use shall be permitted. The use of ENT and fittings shall be limited to use as a chase or raceway only for conductors listed for use in articles 720, 725, 727, 760, 770, 800, 810, 820, 830, and 840 in the following:

Section 394.10 *Uses permitted (Concealed knob-and-tube wiring)*, Item (1). Change to read:

Only for repair of existing systems.

Change to read:

Section 680.11 Underground wiring shall not be installed under or within the area extending 5 feet horizontally from the inside walls of the pools and outdoor hot tubs and spas except where wiring is installed to supply pools, spa, or hot tub equipment. Underground wiring shall be installed in rigid metal conduit, intermediate metal conduit rigid polyvinyl chloride conduit, reinforced thermosetting conduit or Type MC cable, suitable for conditions subject to that location. The minimum cover depth shall be in accordance with Table 300.5.

(g) The following sections or subsections of the ICC International Building Code/20122018, Appendix K, Section K111: Electrical Provisions are amended as indicated:

Reserved.

(Code 1996, § 22-51; Ord. No. F-1774, § 1(exh. A), 4-21-2014)

Secs. 22-52—22-59. - Reserved.

## ARTICLE VI. - MECHANICAL CODE<sup>[6]</sup>

Footnotes:

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**Editor's note**— Ord. No. F-1774, § 1(exh. A), adopted April 21, 2014, repealed Art. VI in its entirety and enacted a new Art. VI to read as set out herein. Former Art. VI, §§ 22-60, 22-61, pertained to similar subject matter and derived from Ord. No. F-1044, § 1, adopted May 16, 2005.

Sec. 22-60. - Adoption.

The ICC International Mechanical Code/20122018 (excluding appendices), as published by the International Code Council, Inc., together with the additions, insertions, deletionsdeletions, and changes prescribed in this article, is hereby adopted by reference and made a part of this article the same as if fully set forth herein as the standards, rules and regulations for the design, construction, alteration, repair, use and maintenance of buildings and structural appurtenances in the city.

(Code 1996, § 22-60; Ord. No. F-1774, § 1(exh. A), 4-21-2014)

Sec. 22-61. - Amendments.

- (a) The additions, insertions, deletions and changes set out in this section are hereby made to the ICC International Mechanical Code/20122018 adopted in section 22-60.
- (b) Any reference in the mechanical code to the "code official" shall mean the director of building and code enforcement of the city.
- (c) Any reference in the mechanical code to the "name of jurisdiction" shall mean the City of Wheaton.
- (d) Any reference in the mechanical code to the "chief appointing authority" shall mean the city manager or the city council, as prescribed by ordinance.
- (e) Any reference in the mechanical code to the "department of mechanical inspection" shall mean the department of building and code enforcement of the city.
- (f) Any reference in the mechanical code to the date or time at which the provisions of such code became applicable shall mean the adopted date, which shall be the effective date of the ordinance from which this article is derived, or as provided by law.
- (g) The following sections or subsections of the mechanical code are amended as indicated:

Section 106.5.2 *Fee schedule*. Insert the following:

Wheaton City Code, appendix B, fee schedule.

Section 106.5.3 *Fee refunds* . Delete in its entirety.

Section 108.4 *Violation penalties*. Change to read:

See Wheaton City Code, section 22-3, violations; penalties.

Section 108.5 *Stop work orders*. Change to read:

Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

Section 109 *Means of appeals*. Change to read:

Any references to the board/means of appeal shall comply with Wheaton City Code, Section 22-12, means/board of appeals.

Add the following section:

Section 907.2 *Other laws*. Whenever any of the equipment regulated by section 907 is regulated by applicable air pollution or environmental protection laws of the state, the most restrictive provision of either shall prevail.

(Code 1996, § 22-61; Ord. No. F-1774, § 1(exh. A), 4-21-2014)

Secs. 22-62—22-69. - Reserved.

## ARTICLE VII. - FUEL GAS CODE<sup>[7]</sup>

Footnotes:

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**Editor's note**— Ord. No. F-1774, § 1(exh. A), adopted April 21, 2014, repealed Art. VII in its entirety and enacted a new Art. VII to read as set out herein. Former Art. VII, §§ 22-70, 22-71, pertained to similar subject matter and derived from Ord. No. F-1044, § 1, adopted May 16, 2005.

Sec. 22-70. - Adoption.

The ICC International Fuel Gas Code/[20122018](#) with referenced standards and Appendices A, B, and C, as published by the International Code Council, Inc., together with the additions, insertions, deletions and changes prescribed in this article, is hereby adopted by reference and made a part of this article the same as if fully set forth herein as the standards, rules and regulations for the design, construction, alteration, repair, use and maintenance of buildings and structural appurtenances in the city.

(Code 1996, § 22-70; Ord. No. F-1774, § 1(exh. A), 4-21-2014)

Sec. 22-71. - Amendments.

- (a) The additions, insertions, deletions and changes set out in this section are hereby made to the ICC International Fuel Gas Code/20122018 adopted in section 22-70.
- (b) Any reference in the fuel gas code to the "code official" shall mean the director of building and code enforcement of the city.
- (c) Any reference in the fuel gas code to the "name of jurisdiction" shall mean the city.
- (d) Any reference in the fuel gas code to the "chief appointing authority" shall mean the city manager or the city council, as prescribed by ordinance.
- (e) Any reference in the fuel gas code to the "department of inspection" shall mean the department of building and code enforcement of the city.
- (f) Any reference in the fuel gas code to the date or time at which the provisions of such code became applicable shall mean the adopted date, which shall be the effective date of the ordinance from which this article is derived, or as provided by law.
- (g) The following sections or subsections of the fuel gas code are amended as indicated:

Section 106.6.2 *Fees*. Insert the following:

Wheaton City Code, appendix B, fee schedule.

Section 108.4 *Violation penalties*. Change to read:

See Wheaton City Code, section 22-3, violations; penalties.

Section 108.5 *Stop work orders*. Change to read:

Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

Section 109 *Means of appeals*. Change to read:

Any references to the board/means of appeal shall comply with Wheaton City Code, section 22-12, means/board of appeals.

(Code 1996, § 22-71; Ord. No. F-1774, § 1(exh. A), 4-21-2014)

Secs. 22-72—22-79. - Reserved.

ARTICLE VIII. — ILLINOIS ENERGY CONSERVATION CODE

State Law reference— Energy Efficiency 20 ILCS 3125/1

Sec. 22.80 – Enforcement.

The City of Wheaton is obligated to enforce the Illinois Energy Conservation Code which follows the 2018 ICC International Energy Conservation Code and the American Society of Heating, Refrigeration and Air Conditioning Engineers (2016 ASHRAE ASHRAE) Standard 90.1 Energy Standard for building except low-rise residential buildings and amendments to the Capital Development Board.

Secs. 22-82—22-89. - Reserved.

ARTICLE IX. - PLUMBING<sup>[8]</sup>

Footnotes:

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**Editor's note**— Ord. No. F-1774, § 1(exh. A), adopted April 21, 2014, repealed Art. IX in its entirety and enacted a new Art. IX to read as set out herein. Former Art. IX, §§ 22-90—22-101, pertained to similar subject matter and derived from Ord. No. F-1044, § 1, adopted May 16, 2005.

**State Law reference**— Municipal regulation of plumbing, 65 ILCS 5/11-20-5; plumbers and plumbing generally, 225 ILCS 320/0.01 et seq.

DIVISION 1. - GENERALLY

Sec. 22-90. - License required.

Any person engaged in or working at the business of plumbing in the city, either as an master plumber, employing a plumber or journeyman plumber, Illinois Licensed Plumber or an Illinois Licensed Apprentice Plumber shall first obtain a license from the State of Illinois granting him that right.

(Code 1996, § 22-90; Ord. No. F-1774, § 1(exh. A), 4-21-2014)

**State Law reference**— Plumbers to be licensed, 225 ILCS 320/3.

Sec. 22-91. - Permit fees.

Fees for permits and work required under this article shall be in accordance with appendix B, fee schedule, of this Code.

(Code 1996, § 22-91; Ord. No. F-1774, § 1(exh. A), 4-21-2014)

Sec. 22-92. - Inspection report required.

If plumbing inspected pursuant to this article and the building code adopted in this chapter is approved by the director of building and code enforcement, he shall issue a report of satisfactory inspection, but no such report shall be issued unless all plumbing construction, fixtures, apparatus or appliances are in strict conformity with the rules and regulations set forth in this article and the building code adopted in this chapter.

(Code 1996, § 22-92; Ord. No. F-1774, § 1(exh. A), 4-21-2014)

Sec. 22-93. - Remodeling work; existing plumbing to conform.

In remodeling work, the existing system of plumbing fixtures shall be changed to make them reasonably conform to the provisions of this article and the building code adopted in this chapter.

(Code 1996, § 22-93; Ord. No. F-1774, § 1(exh. A), 4-21-2014)

Sec. 22-94. - Inspection of private systems and fixtures.

All sewage systems and fixtures, bowls, basins, tubs, pipes and other apparatus from or through which any sewage is discharged into any sewer pipe in any street, alley or other public place in the city shall be subject to inspection by the director of building and code enforcement.

(Code 1996, § 22-94; Ord. No. F-1774, § 1(exh. A), 4-21-2014)

Sec. 22-95. - Repair, replacement of defective parts.

If upon inspection as required by section 22-94 it shall appear that any part mentioned therein is defective or fails to conform to the requirements of this chapter and by reason of such failure is inefficient and tends to create a nuisance, such part shall be repaired or replaced, as the nature of the case may require.

(Code 1996, § 22-95; Ord. No. F-1774, § 1(exh. A), 4-21-2014)

Sec. 22-96. - Notice to repair; penalty.

The owner or occupant of premises housing or related to any apparatus required by section 22-94 to be repaired or replaced shall, upon ten days' notice in writing, be subject to a penalty as provided in section 22-3.

(Code 1996, § 22-96; Ord. No. F-1774, § 1(exh. A), 4-21-2014)

Sec. 22-97. - Notice of readiness of system for inspection.

When a sewerage system in any building is ready for inspection, the person in charge of the work shall immediately notify the director of building and code enforcement.

(Code 1996, § 22-97; Ord. No. F-1774, § 1(exh. A), 4-21-2014)

Sec. 22-98. - New sewerage systems, test required.

All new sewerage systems on any premises shall be tested in the presence of the director of building and code enforcement.

(Code 1996, § 22-98; Ord. No. F-1774, § 1(exh. A), 4-21-2014)

Sec. 22-99. - Repairs, extensions, changes in sewer-connected pipe to be reported for inspection.

Repairs and extensions to any part of a sewerage system in any building shall be reported to the director of building and code enforcement for inspection where there is any change in any sewer-connected pipe, and where such change is on the sewer side of the fixture served, except in the case of minor repairs.

(Code 1996, § 22-99; Ord. No. F-1774, § 1(exh. A), 4-21-2014)

Sec. 22-100. - When extensions and alterations to be tested.

In the case of an extension or alteration of any existing sewer system, such system, if new stacks are run, shall be tested when roughed in and completed.

(Code 1996, § 22-100; Ord. No. F-1774, § 1(exh. A), 4-21-2014)

Sec. 22-101. - Fixtures required.

Notwithstanding any provisions in this code to the contrary, the installation of the following shall be required in all construction, repair or replacement of fixtures:

- (1) Central air conditioning equipment in all buildings shall be of the closed-system type.
- (2) All car washes constructed or car wash installation remodeling for commercial and noncommercial use shall be equipped with a water recycling system.

(Code 1996, § 22-101; Ord. No. F-1774, § 1(exh. A), 4-21-2014)

Sec. 22-102. - Required use of WaterSense products.

Pursuant to 17 Ill. Admin. Code 3730.307(c)(4) and subject to the Illinois Plumbing Code (77 Ill. Admin. Code 890) and the Lawn Irrigation Contractor and Lawn Sprinkler System Registration Code (77 Ill. Admin. Code 892), it is hereby ordained that, when available, all new and replacement plumbing fixtures and irrigation controllers installed shall bear the official WaterSense label designated by the U.S. Environmental Protection Agency WaterSense Program.

Secs. 22-103—22-109. - Reserved.

## DIVISION 2. — STATE PLUMBING CODES

**State Law reference— Part 890 Illinois Plumbing Code.**

Sec. 22-110. - Adoption/Enforcement.

**(a) The City of Wheaton is obligated to enforce the Illinois State Plumbing Code (77 Ill. Adm. Code 890), current edition, issued by the Illinois Department of Public Health, except as to those revisions and changes hereinafter set forth. One (1) copy of said codes shall be kept on file in the City Clerk's Office for public inspection.**

**Sec. 22.111. - Amendments**

The following sections or subsections of the Illinois State Plumbing Code are amended as indicated:

(a) Section 890.1200(a) *Water Service Pipe Sizing*. Change to read:

Water Service Pipe Sizing. The water service pipe from the street main (including the tap) to the water distribution system for the building shall be sized in accordance with Appendix A, Tables M, N, O, P, and Q. Water service pipe and fittings shall be at least one-inch diameter. If flushometers or other devices requiring a high rate of water flow are used, the water service pipe shall be designed and installed to provide this additional flow.

(b) Section 890. Appendix A, Table A, *Approved Materials for Water Service Pipe*. Change to read:

Piping for water service lines two inches or smaller in diameter shall be copper/copper alloy tubing (ASTM B 88-1996) and for piping for water service lines 2½ inches or greater in diameter shall be cast iron/ductile iron (ASTM A 377-1984).

(c)

Pursuant to 17 Ill. Adm. Code 3730.307 (c) 4 and subject to the Illinois Plumbing Code (77 Ill. Adm. Code 890) and the Lawn Irrigation Contractor and Lawn Sprinkler System Registration Code (77 Ill. Adm. Code 892), be it hereby ordained that the City of Wheaton, all new and replacement plumbing fixtures and irrigation controllers installed after the effective date of this ordinance shall bear the WaterSense label (as designated by the U.S. Environmental Protection Agency WaterSense Program), when such labeled fixtures are available.

**DIVISION 3 – ICC PLUMBING CODE****Sec. 22-112. – Adoption.**

The ICC International Plumbing Code/20122018 Chapter 1 Scope and Administration, Chapter 2 Definitions, Chapter 3 General Regulations, Chapter 11, Storm Drainage, with referenced standards and Appendices B, C, D, and F, as published by the International Code Council, Inc., ~~and the state plumbing code, current edition, issued by the Illinois Department of Public Health~~, together with the additions, insertions, deletions and changes prescribed in this article, is hereby adopted by reference and made a part of this article. ~~In the event that there is a conflict of codes between the Illinois State Plumbing Code and the ICC Plumbing Code Chapters 1,2,3, and 11, the State of Illinois Plumbing Code shall take precedence, the same as if fully set forth herein, as the standards, rules and regulations for the design, construction, alteration, repair, use and maintenance of buildings and structural appurtenances in the city.~~

~~(ab) Where a condition imposed by any provision of one code is more restrictive than a comparable condition imposed by the other code, the provision that is most restrictive or imposes the higher standard or requirement shall apply.~~

(Code 1996, § 22-110; Ord. No. F-1774, § 1(exh. A), 4-21-2014)

**Sec. 22-1143. – Amendments to IPC.**

(a) The additions, insertions, deletions and changes set out in this section are hereby made to the ICC International Plumbing Residential Code/20122018 and the state plumbing code, as adopted in section 22-110.

- (b) Any reference in the plumbing code to the "building official" shall mean the director of building and code enforcement of the city.
- (c) Any reference in the plumbing code to the "name of jurisdiction" shall mean the City of Wheaton.
- (d) Any reference in the plumbing code to the "chief appointing authority" shall mean the city manager or the city council, as prescribed by ordinance.
- (e) Any reference in the plumbing code to the "department of building safety" shall mean the department of building and code enforcement of the city.
- (f) Any reference in the plumbing code to the date or time at which the provisions of such code became applicable shall mean the adopted date, which shall be the effective date of the ordinance from which this article is derived, or as provided by law.
- (g) If any provision of the plumbing code is in conflict with any provision of the city zoning ordinance, and any amendments thereto, the provisions of the latter shall prevail.
- (h) The following sections or subsections of the International Plumbing Code are amended as indicated:

Section 106.6 *Fees*. Change to read:

Fees shall be paid in accordance with the Wheaton City Code, appendix B, fee schedule.

Section 108 *Violation Penalties*. Change to read:

See Wheaton City Code, section 22-3, violations; penalties.

Section 109 *Means of Appeals*. Change to read:

Any references to the means/board of appeal shall comply with Wheaton City Code, section 22-12, means/board of appeals.

(Code 1996, § 22-111; Ord. No. F-1774, § 1(exh. A), 4-21-2014)

Secs. 22-1142—22-119. - Reserved.

## ARTICLE X. - FIRE CODES<sup>[9]</sup>

Footnotes:

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**Editor's note**— Ord. No. F-1774, § 1(exh. A), adopted April 21, 2014, repealed Art. X in its entirety and enacted a new Art. X to read as set out herein. Former Art. X, §§ 22-120, 22-125, 22-126, pertained to similar subject matter and derived from Ord. No. F-1044, § 1, adopted May 16, 2005.

**State Law reference**— Municipal fire prevention and protection, 65 ILCS 5/11-6-1 et seq.

### DIVISION 1. - GENERALLY

Sec. 22-120. - False fire alarms; service charge.

- (a) *Definitions*. For purposes of this division, the following words and phrases shall have the meanings ascribed to them in this section unless the context clearly establishes otherwise:

*False fire alarm* means an alarm signal which indicates the existence of an emergency when, in fact, no such emergency exists, including any alarm signal generated by a fire alarm protection system by whatever means, but excluding alarms from the following causes:

- (1) Fire causing structural damage to the protected premises verified by the fire department;
- (2) Flooding to a protected premise due to an overflow of natural drainage;
- (3) Lightning caused physical damage to the protected premises;
- (4) An electronic malfunction at the city's central station;
- (5) Electrical service interruption;
- (6) Plumbing or electrical malfunctions unrelated to the fire protection system;
- (7) Steam;
- (8) Physical damage to property caused by earthquake or high winds;
- (9) The alarm system was newly installed within 30 days of the false alarm in full compliance with the requirements of this division but requires fine tuning due to specific technical requirements of the system (i.e., example halon detection);
- (10) Alarms activated by the malicious conduct of a third person;
- (11) Accidental activation during testing so long as the testing has been reported to the fire department prior to the accidental activation.

*Fire alarm user* means any person, firm, partnership, association, corporation, limited liability company or organization of any kind in control of any building, structure or facility or portion thereof, where a fire protection alarm system is maintained.

*Fire alarm protection system* means a system, including devices and equipment to detect fire, activate an alarm or suppress or control a fire, or any combination thereof.

*Fire suppression system* means a mechanical system designed and equipped to detect fire, activate an alarm, or suppress a fire.

- (b) *Installation and operation maintenance standards.* The installation, operation, maintenance and inspection of any fire alarm protection or suppression system shall be in accordance with the terms of article 15, "Uniform Standards for the Installation, Maintenance and Transmission for Private Alarm Systems Connected to the City of Wheaton's Wireless Alarm Network," sections 22-209 through 22-220 of this chapter.
- (c) *Fine for false alarm.* Any alarm user who has more than three false alarms within a calendar year, at a single protected location, shall be assessed fines according to the following fine schedule:
  - (1) *Commercial alarms.* Fines per false alarm per calendar year:

False alarms 1 through 3 .....	No fine
False alarms 4 through 9 .....	\$300.00
False alarms 10 through 14 .....	600.00
False alarms 15 and over .....	1,000.00
  - (2) *Residential alarms.* Fines per false alarm per calendar year:

False alarms 1 through 3 ..... No fine  
False alarms 4 through 9 ..... \$150.00  
False alarms 10 through 14 ..... 250.00  
False alarms 15 and over ..... 350.00

- (d) All fines shall be paid to the city finance department within 30 days from the date of the invoice requesting payment of the fine(s).
- (e) *Informal hearing.* Each fire alarm user shall be entitled to an informal hearing with the fire chief, or his designee, for each false alarm in excess of three. At the informal hearing, the fire alarm user may offer evidence that the alarm activation for which he is charged was not a false alarm as defined herein. No fine shall be imposed where the evidence establishes that the activation was not a false alarm.
- (f) Such hearing ~~must shall~~ be requested in writing, by certified or registered mail, directed to the fire chief, no later than seven days after the mailing of the statement of charges for the false alarm. Failure to timely request a hearing shall constitute an admission that the fine is justified and payable to the city and shall further constitute an irrevocable waiver of such hearing.

(Code 1996, § 22-120; Ord. No. F-1774, § 1(exh. A), 4-21-2014; Ord. No. F-1991, § 1, 1-3-2017)

Secs. 22-121—22-124. - Reserved.

## DIVISION 2. - FIRE CODE

Sec. 22-125. - Adoption.

The ICC International Fire Code/~~2012~~<sup>2018</sup> with referenced standards and Appendices E, F, and G, as published by the International Code Council, Inc., together with additions, insertions, deletions and changes prescribed in this article, is hereby adopted by reference and made a part of this article, the same as if fully set forth herein, as the standards, rules and regulations governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided.

(Code 1996, § 22-125; Ord. No. F-1774, § 1(exh. A), 4-21-2014)

Sec. 22-126. - Amendments.

- (a) The additions, insertions, deletions and changes set out in this section are hereby made to the ICC International Fire Code/~~2012~~<sup>2018</sup> adopted in section 22-125.
- (b) Any reference in the fire code to the "fire code official" shall mean the ~~fire chief director of building and code enforcement~~ of the city.
- (c) Any reference in the fire code to the "name of jurisdiction" shall mean the City of Wheaton.
- (d) Any reference in the fire code to the "chief appointing authority" shall mean the city manager or the city council, as prescribed by ordinance.

- (e) Any reference in the fire code to the "department of fire prevention" shall mean the department of building and code enforcement of the city.
- (f) Any reference in the fire code to the date or time at which the provisions of such code became applicable shall mean the adopted date, which shall be the effective date of the ordinance from which this article is derived, or as provided by law.
- (g) The following sections or subsections of the fire code are amended as indicated:

Section 104.6.2 *Inspections*. Change to read:

The fire code official shall keep a record of each inspection made prior to the certificate of use and occupancy being issued including notices and orders issued, showing the findings and disposition of each. The chief of the city fire department shall keep a record of each inspection made after the certificate of use and occupancy has been issued, including notices and orders issued, showing the findings and disposition of each.

Section 104.6.3 *Fire records*. Change to read:

The fire department shall keep a record of fires occurring within its jurisdiction and of facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, together with other information as required by the chief of the city fire department.

Section 104.10 *Fire investigations*. Change to read:

The chief of the city fire department or his authorized representative, the fire department, or other responsible authority shall have the authority to investigate the cause, origin, and circumstances of any fire, explosion or other hazardous condition. Information that could be related to trade secrets or processes shall not be made part of the public record, except as directed by a court of law.

Section 1089 *Board of appeals*. Change to read:

Any references to the board/means of appeal shall comply with Wheaton City Code, section 12, means/board of appeals.

Section 109.4110 *Violation penalties*. Change to read:

See Wheaton City Code, section 22-3, violations; penalties.

Section 111.4112.4 *Failure to comply*. Change to read:

Any person who shall continue any work in or about the structure after having been served a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

Section 202 *General definitions*. Change the following definitions to read:

Fire code official. The director of building and code enforcement or other designated authority charged with the administration and enforcement of the code, or a duly authorized representative.

Section 307 Open burning and recreational fires. Change to read:

Open burning and recreational fires shall be in accordance with Wheaton City Code, section 54-113, open burning.

Section 505.1 *Address identification*. Change to read:

All premises identification shall comply with Wheaton City Code, section 22-10, premises identification.

Section 509.1 *Identification*. Add the following:

The door to the valve room shall be provided with approved signage and shall read "sprinkler control valves" or similar. Letters and numbers shall contrast with the background and shall be a minimum of four inches in height with one-half-inch stroke.

Section 903.2 *Where required*. Change to read (exception remains):

Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.13.

Section 903.2.1.1 *Group A-1, Item 1*. Change to read:

The fire area exceeds 5,000 square feet.

Section 903.2.1.3 *Group A-3, Item 1*. Change to read:

The fire area exceeds 5,000 square feet.

Section 903.2.1.4 *Group A-4, Item 1*. Change to read:

The fire area exceeds 5,000 square feet.

Section 903.2.2 *Group B, Item 1*. Change to read: An automatic sprinkler system shall be provided for Group B occupancies where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet.
2. A Group B fire area is located more than three stories above grade plane.
3. A Group R fire area is located above a Group B fire area.

Throughout all Group B fire areas greater than 5,000 square feet in area.

Section 903.2.3 *Group E, Item 1*. Change to read:

Throughout all Group E fire areas greater than 5,000 square feet in area.

Section 903.2.4 *Group F-1, Item 1*. Change to read:

A Group F-1 fire area exceeds 5,000 square feet.

Section 903.2.7 *Group M, Item 1*. Change to read:

A Group M fire area exceeds 5,000 square feet.

Section 903.2.9 *Group S-1, Item 1*. Change to read:

A Group S-1 fire area exceeds 5,000 square feet.

Section 903.2.9.1 *Repair garages, Item 1*. Change to read:

Buildings having two or more stories above grade plane, including basements, with a fire area containing a repair garage exceeding 5,000 square feet.

Section 903.2.9.1 *Repair garages, Item 2.* Change to read:

Buildings no more than one story above grade plane, including basements, with a fire area containing a repair garage exceeding 5,000 square feet.

Add the following section:

Section 903.2.13 *Group B*. An automatic sprinkler system shall be provided for Group B occupancies where one of the following conditions exists:

1. The Group B fire area exceeds 5,000 square feet.
2. A Group B fire area is located more than three stories above grade plane.

Section 903.4.1 *Monitoring.* Change to read:

Alarm, supervisory and trouble signals shall be distinctly different and automatically transmitted directly to the fire alarm receiving equipment of the city.

Add the following sections:

Section 903.7 *Valve room.* Main water supply control valves for fire suppression or standpipe systems regulated by this code shall be enclosed in an approved valve room.

Section 903.7.1 *Construction.* Valve rooms shall be enclosed with fire separation and fire door assemblies having a fire resistance of at least one hour. Valve rooms shall be large enough to enclose all equipment to be protected plus at least three feet of service access around the equipment.

Section 903.7.2 *Access.* Unless otherwise approved by the fire code official, access to the valve room shall be from the exterior of the building through approved doors. The maximum number of doors that have to be passed through to access the room shall be one.

Section 903.7.3 *Heat and ventilation.* Valve rooms shall be equipped with ventilation as required for utility rooms/special areas in the mechanical code as listed in the referenced standards. Fixed heating equipment shall be provided in accordance with the mechanical code as listed in the referenced standards and shall be capable of maintaining a minimum ambient temperature of 40 degrees Fahrenheit within the valve room. Electrical fixed heating equipment, if used, shall be powered from a dedicated branch circuit equipped with a breaker lock.

Section 903.7.4 *Drainage.* Valve rooms shall be equipped with a floor drain in accordance with the plumbing code as listed in the referenced standards.

Section 1103.5 *Sprinkler systems.* Change to read:

An automatic sprinkler system shall be provided in existing buildings in accordance with Sections 1103.5.1 through 1103.5.34.

Add the following section:

Section 1103.5.35 (IFC, Construction Requirements for Existing Buildings, Fire Safety Requirements for Existing Buildings) *When construction is proposed.* An approved automatic sprinkler system shall be providedinstalled in existing buildings in accordance with Section 903 (Automatic Sprinkler Systems) when the cost of proposed construction (i.e., alterations and additions) in any given year (12-month period) is at least 50 percent of the value of the building. The value of the building or structure (excluding land) shall be established by the

Milton Township Assessors' assessment records for the year prior to the initial remodeling or reconstruction. Owners of tax-exempt properties shall produce documentation verifying the building's valuation, which will be subject to the review and approval of the building code official.

Section 1103.7 *Fire alarm systems*. Change to read (exception remains):

An approved fire alarm system shall be installed in existing buildings and structures in accordance with Sections 1103.7.1 through 1103.7.~~87~~ and provide occupant notification in accordance with Section 907.5 unless other requirements are provided by other sections of this code.

Add the following section:

Section 1103.7.87 (IFC, Construction Requirements for Existing Buildings, Fire Safety Requirements for Existing Buildings) *When construction is proposed*. An approved fire alarm system shall be installed in existing buildings and structures in accordance with Section 907 when the cost of proposed construction (i.e. alterations and additions) in any given year (12-month period) is at least 25 percent of the value of the building. The value of the building or structure (excluding land) shall be established by the Milton Township Assessors' assessment records for the year prior to the initial remodeling or reconstruction. Owners of tax-exempt properties shall produce documentation verifying the building's valuation, which will be subject to the review and approval of the building code official.

~~Add the following section:~~

~~Section 2701.6 *Identification*. Buildings containing materials regulated by this article shall be marked on the exterior in locations approved by the fire code official with hazard identification placards in accordance with NFPA 704 Appendix A.~~

~~Section 5504.3 *Outdoor storage*. Change to read:~~

~~The outdoor storage of cryogenic fluids shall be prohibited.~~

Section 5601.2.4 *Financial responsibility*. Change to read:

See Wheaton City Code, section 42-28, fireworks.

Section 5704.2.9.6 Above-ground tanks outside of buildings. Change to read:

It shall be illegal to install or maintain any above-ground storage tank of flammable or combustible liquids outside of buildings with the following exceptions (which shall comply with Sections 5704.2.9.6.1 through 5704.2.9.6.3):

1. Fuel oil storage tanks for central heating systems which are existing and in use as of September 4, 1990.
2. Permanently mounted for permanently installed back-up power generators and pumps.
3. Approved quantities of approved flammable or combustible liquids when properly stored in storage rooms designed for such use as listed and approved by the director of building and code enforcement.
4. Maximum of two 1,000 gallon above-ground tanks per facility will be allowed for the storage of gasoline, diesel or other approved fuels and shall be in accordance with the following provisions:

- a. Such tanks and installations shall comply with all provisions and requirements of the Office of the Illinois State Fire Marshal including issuance of a state permit, and applicable provisions of NFPA 30.
- b. Such tanks and installations shall be approved on an individual basis and shall only be permitted when deemed necessary for the operation of the individual facility and shown to be compatible with the surrounding area and approved by the director of building and code enforcement.

(Code 1996, § 22-126; Ord. No. F-1774, § 1(exh. A), 4-21-2014)

Secs. 22-127—22-129. - Reserved.

## ARTICLE XI. - PROPERTY MAINTENANCE CODE<sup>[10]</sup>

Footnotes:

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**Editor's note**— Ord. No. F-1774, § 1(exh. A), adopted April 21, 2014, repealed Art. XI in its entirety and enacted a new Art. XI to read as set out herein. Former Art. XI, §§ 22-130 and 22-132, pertained to similar subject matter and derived from Ord. No. F-1044, § 1, adopted May 16, 2005.

**State Law reference**— Public Safety (430 ILCS 75/1) Boiler and Pressure Vessel Safety Act.

Sec. 22-130. - Adoption.

The ICC International Property Maintenance Code/20122018, including Appendix A, Boarding, as published by the International Code Council Inc., together with the additions, insertions, deletions and changes prescribed in this article, is hereby adopted by reference and is made a part of this article, the same as if fully set forth herein, as the standards, rules and regulations for the maintenance of buildings and structural appurtenances in the city.

Section 301 General. Insert the following:

Section 301.4 Temporary board-up. The boarding or board-up of any part of a building shall be considered temporary and shall not extend beyond thirty (30) days, unless approved in writing by the Code Official or a permit is issued for the demolition or repair.

(Code 1996, § 22-130; Ord. No. F-1774, § 1(exh. A), 4-21-2014)

Sec. 22-131. - Amendments.

- (a) The insertions, deletions, additions and amendments set out in this section are hereby made to the ICC International Property Maintenance Code/20122018 adopted in section 22-130.
- (b) Any reference in the property maintenance code to the "code official" shall mean the director of building and code enforcement of the city.

- (c) Any reference in the property maintenance code to "name of jurisdiction" shall mean the City of Wheaton.
- (d) Any reference in the property maintenance code to the "chief appointing authority" shall mean the city manager or the city council, as prescribed by law.
- (e) Any reference in the property maintenance code to the "department of property maintenance inspection" shall mean the department of building and code enforcement of the city.
- (f) Any reference to the ICC International Zoning Code shall mean the zoning ordinance of the city.
- (g) Any reference in the property maintenance code to the date or time at which the provisions of such code became applicable shall mean the adopted date, which shall be the effective date of the ordinance from which this chapter is derived, or as provided by law.
- (h) The following sections or subsections of the property maintenance code are amended as indicated:

*Section 102.3 Application of other codes.* Change to read:

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the codes of the City of Wheaton.

*Section 102.6 Historic buildings.* Delete in its entirety.

*Section 103.5 Schedule of permit fees.* Change to read:

Fees shall be paid in accordance with the Wheaton City Code, appendix B, fee schedule.

*Section 106.4 Violation penalties.* Change to read:

See Wheaton City Code, section 22-3, violations; penalties.

*Section 107.2 Form, Items 5 and 6.* Delete in their entirety.

*Section 110 Demolition.* Change to read:

See Wheaton City Code, chapter 22, article XIV, demolition of buildings.

*Section 111 Means of appeals.* Change to read:

Any references to the board/means of appeal shall comply with the Wheaton City Code, section 22-12, means/board of appeals.

*Section 202 General definitions.* Change the following definitions to read:

*Bedroom.* Any room labeled or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

*Infestation.* The presence, within or contiguous to a structure or premises, of insects, including cockroaches, bedbugs, and termites; pest rodents including rats and mice; vermin; or other pests. Visible pest residue or debris constitutes an infestation unless there is clear evidence that the pest is no longer present.

*Section 302.1 Sanitation.* Change to read:

All exterior property and premises shall be maintained clean, safe, sanitary, and free from any accumulation of rubbish or garbage. Rubbish and/or garbage shall not be allowed to accumulate on the property and, until it can be properly disposed of, all rubbish/garbage ~~shall~~ must be contained so as not to be scattered by winds or marauding animals.

Section 302.4 *Weeds*. Change to read:

See Wheaton City Code, chapter 78, article IV, weeds.

Section 302.7 Accessory structures. Change to read:

All accessory structures, including (garbage) dumpster screening, detached garages, fences, and walls, shall be maintained structurally sound and in good repair.

Section 302.8 *Motor vehicles*. Change to read:

See Wheaton City Code, chapter 70, article IX, abandoned and inoperable vehicles.

Section 302.9 *Defacement of property*. Change to read:

See Wheaton City Code section 42-22, graffiti.

Section 303.2 *Enclosures*. Change the first sentence to read:

Private swimming pools, hot tubs, and spas, capable of containing water more than 24 inches in depth shall be completely surrounded by a fence or barrier at least 48 inches in height above the finished ground level measured on the side of the barrier away from the pool.

Section 304.3 *Premises identification*. Change to read:

All address identification shall comply with Wheaton City Code, section 22-10, premises identification.

Section 304.6 *Exterior walls*. Add the following:

Exterior masonry ~~walls~~ shall be free from broken or missing mortar and bricks, and shall be maintained by brick replacement, masonry repair, pointing, repainting, and tuck pointing to maintain surface integrity and weatherproofing.

Section 304.7 *Roofs and drainage*. Change to read:

The roof and flashing shall be in sound condition; without visible damage of shingle breakdown, held tightly in place, and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions, including, but not limited to, leaves and vegetative growth. Roof water shall not be discharged in a manner that creates a public nuisance.

Section 304.14 *Insect screens*. Change to read:

Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Section 305.3 *Interior surfaces*. Change to read:

All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or

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covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected. Surfaces shall have no signs of chronic or persistent excessive moisture. Materials discolored or deteriorated by water damage shall be cleaned, dried or otherwise repaired and the underlying cause shall be corrected.

Section 308 *Rubbish and garbage*. Change to read:

308.1 *Accumulation of rubbish and/or garbage*. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish and/or garbage.

308.2 *Disposal of rubbish and/or garbage*. Every occupant of a structure shall dispose of all rubbish and/or garbage in a clean and sanitary manner by placing such rubbish and/or garbage in approved containers.

308.2.1 *Rubbish and garbage storage facilities*. The owner/operator of every occupied premises shall supply, and at all times cause to be utilized, approved leak proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal. The owner/operator of the premises shall be responsible for the removal of rubbish and garbage.

~~308.2.2 *Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.*~~

308.3.3 *Screening of containers*. Rubbish, garbage, or recycling containers of all buildings (except detached single-family dwellings) shall be screened from all public rights-of-way and from any adjacent residential district at grade level. Screening shall be the responsibility of the property owner.

Section 309.4 *Multiple occupancy*. Change to read:

The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for pest elimination. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for pest elimination.

Section 404.1 Privacy. Change to read:

Dwelling units, hotel units, housekeeping units, rooming units, dormitory units, and bedrooms shall be arranged to provide privacy and be separate from other adjoining spaces.

Section 404.4.3 Water closet accessibility. Change to read:

Every bedroom or room used for sleeping purposes shall have access to not less than one water closet and one lavatory without passing through another bedroom or room used for sleeping purposes. Every bedroom in a dwelling unit shall have access to not less than one water closet and lavatory located in the same story as the bedroom or adjacent story. In all circumstances access must be provided within the same structure.

Section 602.2 *Residential occupancies*. Change to read:

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees F ~~(20 degrees C)~~ in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature of -4 degrees F ~~(20 degrees C)~~. Cooking

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appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

Section 602.3 *Heat supply*. Insert the following:

September 15 and June 1.

Section 602.3 *Heat supply, Exception 1*. Change to read:

When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be -4 degrees F ~~-20 degrees C~~.

Section 602.4 *Occupiable work spaces*. Insert the following:

September 15 and June 1.

Add the following section:

Section 602.6 *When failure to furnish heat not offense*. Failure to furnish the heat required by this section shall not constitute an offense where it is due to a breakdown of the heating plant, if diligence is used to have such plant repaired, nor where it is due to a strike, to a general shortage of fuel, to any act of the tenant who makes the complaint, or to any cause beyond the owner's control; nor unless notice of such failure to furnish the heat required shall first have been given to the owner or agent of the building.

Add the following section:

Section 608 Requirement to display certificate.

608.1 *General*. The owner or user shall be responsible to maintain the pressure equipment in safe working order and shall have the boiler or pressure vessel registered and inspected at intervals established by the state. All boilers, pressure vessels, hot water storage tanks and similar equipment which require an inspection by the state shall display a current and valid certificate of inspection within the same room where the equipment is located.

608.2 *Certificate of inspection*. All boilers including water heaters that exceed 200,000 btu/hr input and located in commercial establishments or multifamily dwellings with six or more units are required to have a valid certificate of inspection issued by the state fire marshal.

608.3 *Pressure vessels*. Pressure vessels that exceed 15 cubic feet and operate greater than 15 psi also require a certificate of inspection.

### Appendix A - Boarding Standards.

Replace the following:

A101 General. Boarding up is the process of installing boards on the windows and doors of a property to protect it from storm damage, to protect unused, vacant, or abandoned property, and/or to prevent unauthorized access by squatters, looters or vandals. Board-up is considered a temporary method to secure openings during which time the owner shall abate the need for board-up.

Add the following:

A101.1 Catastrophic damage. In the event the *building/ structure* has been deemed as an *unsafe or dangerous structure* by City Officials due to damage from fire, explosion, tornado or similar catastrophe, the exterior building openings, including without limitation walls, windows, doors, skylights and/ or roof, shall be boarded-up immediately and ~~must~~ shall comply with the following:

- a. All boarded up openings shall be painted with a minimum of one coat of exterior paint/stain which is of a dark gray or similar earth color or a color compatible with the exterior of the building or structure within thirty (30) days from the incident.
- b. All tarps, or other coverings, shall be securely fastened so as not to be blown about in the wind or allow the collection of rain/ snow or other elements which may lead to the collapse of such covering.

(Code 1996, § 22-131; Ord. No. F-1774, § 1(exh. A), 4-21-2014)

Secs. 22-132—22-149. - Reserved

Secs. 22-13, 22-14. - Reserved.

## ARTICLE XVI. – EXISITNG BUILDING CODE

### Sec. 22-225. - Adoption.

The ICC International Existing Building Code/2018 with referenced standards and Appendices B and Resource A as published by the International Code Council, Inc., together with the additions, insertions, deletions and changes prescribed in this article, is hereby adopted by reference and made a part of this article the same as if fully set forth herein as the standards, rules and regulations for the design, construction, alteration, repair, use and maintenance of existing buildings and structural appurtenances in the city.

### Sec. 22-226. - Amendments.

- (a) The additions, insertions, deletions, and changes set out in this section are hereby made to the ICC International Existing Building Code /2018 adopted in section 22-225.
- (b) Any reference in the existing building code to the "code official" shall mean the director of building and code enforcement of the city.
- (c) Any reference in the existing building code to the "name of jurisdiction" shall mean the city.
- (d) Any reference in the existing building code to the "chief appointing authority" shall mean the city manager or the city council, as prescribed by ordinance.
- (e) Any reference in the existing building code to the "department of inspection" shall mean the department of building and code enforcement of the city.
- (f) Any reference in the existing building code to the date or time at which the provisions of such code became applicable shall mean the adopted date of the ordinance # O - 2020 - or the effective date of the adoption of the amendment to O - 2020 - ., which shall be the effective date of the ordinance from which this article is derived, or as provided by law.
- (g) The following sections or subsections of the existing building code are amended as indicated:

Section 108.2 Fees. Insert the following:

Wheaton City Code, appendix B, fee schedule.

Section 112 Board of appeals. Change to read:

Any references to the board/means of appeal shall comply with Wheaton City Code, section 22-12, means/board of appeals.

Section 113.4 Violation penalties. Change to read:

See Wheaton City Code, section 22-3, violations; penalties.

Section 114.4 Stop work orders. Add:

Upon notice from the code official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

Section 301.1.1, 501.1.2, 601.1.2, 701.2.1, 801.1.2, 901.1.2, 1001.1.2, 1101.1.2 and 1301.1.2 Required installation of smoke alarms and sprinkler systems. When the cost of proposed construction is at least 25 percent of the value of the building, smoke alarms shall be installed in accordance with Section [F] 1103.7.8-7. However, if the cost of proposed construction is at least 50 percent of the value of the building, sprinklers shall be installed in accordance with Section [F] 1103.5.3-5. The value of the building or structure (excluding land) shall be established by the Milton Township Assessors' assessment records for the year prior to the initial remodeling or reconstruction. Owners of tax-exempt properties shall produce documentation verifying the building's valuation, which will be subject to the review and approval of the building code official. Compliance with this section is mandatory once either of the aforementioned conditions is met despite any efforts to comply with other sections of this chapter and should not be construed to reduce or invalidate any other obligations contained herein.

Secs. 22-227, 22-234. - Reserved.

## ARTICLE XVII. – SWIMMING POOL AND SPA CODE

Sec. 22-235. - Adoption.

The ICC International Swimming Pool and Spa Code/2018 as published by the International Code Council, Inc., together with the additions, insertions, deletions, and changes prescribed in this article, is hereby adopted by reference, and made a part of this article the same as if fully set forth herein as the standards, rules and regulations for the design, construction, alteration, repair, use and maintenance of swimming pools, spas and appurtenances in the city.

Sec. 22-236. - Amendments.

(a) The additions, insertions, deletions, and changes set out in this section are hereby made to the ICC International Swimming Pool and Spa Code /2018 adopted in section 22-235.

(b) Any reference in the swimming pool and spa code to the "code official" shall mean the director of building and code enforcement of the city.

(c) Any reference in the swimming pool and spa code to the "name of jurisdiction" shall mean the city.

(d) Any reference in the swimming pool and spa code to the "chief appointing authority" shall mean the city manager or the city council, as prescribed by ordinance.

(e) Any reference in the swimming pool and spa code to the "department of inspection" shall mean the department of building and code enforcement of the city.

(f) Any reference in the swimming pool and spa code to the date or time at which the provisions of such code became applicable shall mean the adopted date, which shall be the effective date of the ordinance from which this article is derived, or as provided by law.

(g) The following sections or subsections of the swimming pool and spa code are amended as indicated:

Section 105.6.2 Fees. Insert the following:

Wheaton City Code, appendix B, fee schedule.

Section 105.6.3 Fee refunds.

Wheaton City Code, appendix B, fee schedule.

Section 107.4 Violation penalties. Change to read:

See Wheaton City Code, section 22-3, violations; penalties.

Section 107.5 Stop work orders. Change to read:

Upon notice from the code official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure, pool or spa after having been served a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

Section 108 Means of appeals. Change to read:

Any references to the board/means of appeal shall comply with Wheaton City Code, section 22-12, means/board of appeals.

Section 305.1 Barrier Requirements. Change to read:

General. The provisions of this section shall apply to the design of barriers for restricting entry into areas having pools and spas. Where spas or hot tubs are equipped with a lockable safety cover complying with ASTM F1346 the areas where those spas and hot tubs are located shall not be required to comply with Section 305.2 through 305.7.

Secs. 22-237, 22-244. - Reserved.

ARTICLE XVIII. – SOLAR ENERGY CODE

Sec. 22-245. - Adoption.

The ICC International Solar Energy Provisions/2018 as published by the International Code Council, Inc., together with the additions, insertions, deletions, and changes prescribed in this article, is hereby adopted by reference, and made a part of this article the same as if fully set forth herein as the standards, rules and regulations for the design, construction, alteration, repair, use and maintenance of solar energy instruments in the city.

Sec. 22-246. - Amendments.

- (a) The additions, insertions, deletions, and changes set out in this section are hereby made to the ICC International Solar Energy Provisions /2018 adopted in section 22-245.
- (b) Any reference in the solar energy provisions code to the "code official" shall mean the director of building and code enforcement of the city.
- (c) Any reference in the solar energy provisions code to the "name of jurisdiction" shall mean the city.
- (d) Any reference in the solar energy provisions code to the "chief appointing authority" shall mean the city manager or the city council, as prescribed by ordinance.
- (e) Any reference in the solar energy provisions code to the "department of inspection" shall mean the department of building and code enforcement of the city.
- (f) Any reference in the solar energy provisions code to the date or time at which the provisions of such code became applicable shall mean the adopted date of the ordinance # O - 2020 - or the effective date of the adoption of the amendment to O - 2020 - , which shall be the effective date of the ordinance from which this article is derived, or as provided by law.