

ORDINANCE NO. F-0539

**AN ORDINANCE AMENDING CHAPTER 22, "BUILDINGS AND BUILDING REGULATIONS", OF THE WHEATON CITY CODE -
"SEC. 22-12. CERTIFICATE OF USE AND OCCUPANCY OF
NON-RESIDENTIAL STRUCTURES" AND
"SEC. 22-32. AMENDMENTS. (F), SECTION 119.6 CONTENTS OF CERTIFICATE"**

BE IT ORDAINED by the City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule powers, as follows:

Section 1: Chapter 22, "BUILDINGS AND BUILDING REGULATIONS, ARTICLE I. IN GENERAL", of the Wheaton City Code is amended by adding and including the following section thereto:

"Sec. 22.12. Certificate of Use and Occupancy of Non-Residential Structures.

(a) No new non-residential structure, unoccupied non-residential structure or non-residential 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 ordinance 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 ordinance 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 non-residential structure, a unoccupied non-residential structure or an occupied non-residential, shall submit an application on a form provided by the code official prior to a change in use or change in occupancy. A fee of \$25.00 shall be submitted with each application for a certificate of use and occupancy.

(d) No certificate of use and occupancy shall be issued by the code official unless the proposed use is in conformance with the Wheaton Zoning Ordinance and applicable occupancy standards set forth in sections 119.1-119.6 and Article 3 of the BOCA National Building Code as adopted by the City."

Section 2: Chapter 22, "BUILDINGS AND BUILDING REGULATIONS, ARTICLE II. BUILDING CODE, Sec. 22-32. Amendments, (f)", of the Wheaton City Code is amended by adding and including the following subsections thereto:

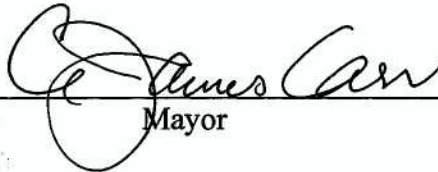
"Section 119.3, *Existing Buildings*, shall be amended to read: "Upon written request from the owner or occupant of an existing building or structure, the code official shall issue a certificate of change in use and occupancy, provided that there are not violations of law or orders of the code official pending, and it is established after inspection and investigation that the alleged use of the building or structure has heretofore existed. This code shall not require the removal, alteration or abandonment of, or prevent the continuance of, the use and occupancy of a lawfully existing building or structure, unless such use is deemed to endanger public safety and welfare."

"Section 119.6, *Contents of Certificate of Use and Occupancy*, shall be amended to read: "When a building or structure is entitled thereto, the code official shall issue a certificate of change in use and occupancy within 10 days after written application. The certificate of change in use and occupancy shall specify the use group and purpose for which the building or structure will be used, in accordance with the provisions of the Wheaton Zoning Ordinance; the type of construction as defined in Article 4; and any special stipulations and conditions of the building permit and/or certificate of change in use and occupancy."

Section 3: In all other respects, the terms and provisions of the Wheaton City Code, as amended, are ratified and remain in full force and effect.

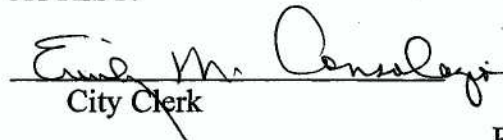
Section 4: All ordinance or parts of ordinances in conflict with these provisions are repealed.

Section 5: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.



Mayor

ATTEST:



City Clerk

Ayes:

Roll Call Vote:

Councilwoman Davenport
Councilman Eckhoff
Councilman Gresk
Mayor Carr
Councilman Johnson
Councilwoman Johnson
Councilman Mork

Nays:

None

Absent:

None

Motion Carried Unanimously

Passed: December 4, 2000

Published: December 5, 2000