

ORDINANCE NO. F-1044

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WHEATON: BUILDINGS 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 IT ORDAINED by the Mayor and City Council of the City of Wheaton, Illinois that the Wheaton City Code 1996 is hereby amended to provide as follows:

Section 1: That Chapter 22 Buildings and Building Regulations, of the Code of Ordinances of the City of Wheaton is hereby amended by deleting Chapter 22 in its entirety and replacing it with Exhibit A, attached hereto and made a part hereof.

Section 2: That Chapter 58 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, Article I, Section 58-28 "Street naming and house numbering", subparagraph (c) "Address assignment" is hereby amended by deleting number (8) in its entirety and replacing it with the following:

"(8) Premises identification. All premises identification shall comply with Sec 22-10"

Section 3: That Appendix B (Fee Schedule), Article II Building and Code Enforcement Fees, is hereby amended by deleting Section B-9. in its entirety and replacing it with the following:

"Sec. B-9. Elevator fee/plan review, permit and inspection fee.

(1) For installation or alteration . . . \$75.00

(2) Semi-annual inspection . . . \$50.00"

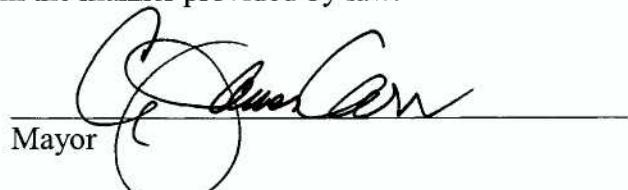
Section 4: That Chapter 14 ANIMALS, Division 2. Licenses and Vaccinations, Section 14-73 "Maintenance of premises" is hereby amended by deleting number (1) in its entirety and replacing it with the following:

"(1) Results in the premises upon which such domestic animal is kept to violate the provisions of the city-adopted Property Maintenance Code; or"

Section 5: All ordinances and parts of ordinances in conflict with or inconsistent with the provisions of this ordinance are hereby repealed to the extent of any such conflict or inconsistency.

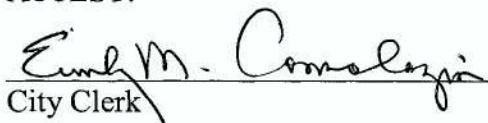
Section 6: That if any part or portion of this ordinance shall be declared invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of this ordinance.

Section 7: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner provided by law.



Mayor Carr

ATTEST:



Emily M. Comolozzi
City Clerk

Ayes:

Roll Call Vote:

Councilman Johnson
Mayor Carr
Councilman Levine
Councilman Mouhelis
Councilman Suess
Councilman Bolds
Councilwoman Corry

Nays:

None

Absent:

None

Motion Carried Unanimously

Passed: May 16, 2005

Published: May 17, 2005

Chapter 22 BUILDINGS AND BUILDING REGULATIONS*

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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, 22-56 Electric, 22-60 Mechanical, 22-70 Fuel Gas, 22-110 Plumbing, 22-125 Fire and 22-130 Property Maintenance and adopted by reference.

(Code 1968, § 8-1.1)

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 1968, § 8-2) 50 ILCS 220/2

Sec. 22-3. Violations; penalties.

(a) Any person who shall violate any provision of the codes adopted and amended in this chapter or who shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building, structure or system in violation of any approved plan or 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 a misdemeanor punishable by a fine of not less than \$100.00 nor more than \$300.00 in the case of a first offense and by a fine of not less than \$200.00 nor more than \$750.00 for each and every subsequent offense. Each day that violations continue shall be deemed a separate offense.

(b) Any person who shall intentionally misrepresent to the city or make a perjurious statement to the city in connection with any statements or documents related to the matters set forth in this chapter shall be subject to charge and punishment in accordance with section 42-2 of this Code.

(c) 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, and who participates in the work upon the premises, shall be responsible for obtaining the applicable permits or notifying the owner of the necessity of obtaining the necessary permits. Participation in the work upon the premises shall mean any physical presence on the job site after work has commenced. Any architect, builder, contractor, or engineer who commences work upon a premises without first obtaining the necessary permits or ascertaining that the owner has obtained the necessary permits shall be fined not less than \$250.00 and not more

than \$1,000.00 for each day he is in violation of this section. All other provisions of this Code pertaining to an owner's obligation to obtain permits shall remain in full force and effect.

(Code 1968, § 8-4)

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

Not 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) 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.

(Code 1968, § 8-11; Ord. No. F-0765, § 1, 10-21-02 Code 1996, § 22-8)

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 also indicate the minimum elevation of any unprotected structure openings, such as windows or doorways. Elevation information must 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 of the Wheaton City Code.

(f) Penalty for violation. Any person or entity violating any provision of this section shall be subject to punishment as provided in section 1-8 of this Code for each offense.

(Code 1968, § 8-10 Code 1996, § 22-7)

Sec. 22-6. Open foundations of buildings.

(a) Restricted. No foundation of any building shall remain without decking for more than three months beyond the date of the issuance of the building permit therefore unless the foundation is fully enclosed with a snow fence, or such other type of fence which meets with the reasonable approval of the director of building and code enforcement department.

(b) Notice of violation; abatement by city; lien upon property.

(1) If any foundation of any building remains open contrary to the provisions of this section, the city shall, in writing, advise the owner thereof to abate the violation. If the violation is not abated in accordance with this section within ten days from the date of such notice, the city shall have the right, but not the obligation, to enclose the open foundation with fencing.

(2) All costs, including attorney's fees, incurred by the city for the fencing of any open foundation shall constitute a lien upon the real estate affected, superior to all other liens and encumbrances except tax liens; provided, that within 30 days after such costs and expense is incurred, the city, or the person or entity performing the service by authority of the city, in its or his own name, files notice of lien in the office of the county recorder of deeds. The notice of lien shall consist of a sworn statement reciting a description of the real estate sufficient for identification thereof, the amount of money representing the costs and expense incurred or payable for the service and materials, and the dates when such costs and expense were incurred by the city. However, such lien shall not be superior to any mortgagee, judgment creditor, or other lienor whose rights in and to such real estate arise prior to the filing of such notice. Upon payment of the costs and expense by the owner of, or persons interested in, such real estate after notice of lien has been filed; the lien shall be released by the city or person in whose name the lien has been filed.

(3) The lien provided for in this section may, in the discretion of the city, be foreclosed, in the manner provided by law, in any court of competent jurisdiction. Reasonable attorney's fees and costs incurred by the city with respect to the filing and foreclosure of the lien shall be taxed against the owner of, or persons interested in, the real estate.

(Code 1968, § 8-12 Code 1996, § 22-9)

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, 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 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.

(2) 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. The discharge line shall allow for the disposal of the overhead storm sewer contents onto the surface of the ground, or the discharge line may be directly connected to a storm sewer, if one is available to serve the structure.

(Code 1968, § 8-13; Ord. No. F-0686, § 1, 3-18-02 Code 1996, § 22-10)

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

(a) No person shall install any lawn sprinkling/watering system within a city right-of-way or parkway without having first secured a permit from the city. By applying for and receiving a permit, personally or through a contractor, the owner of the lawn sprinkling/water system covenants and agrees as follows:

(1) The sole responsibility for the maintenance and repairs to the lawn sprinkling/watering system is the obligation of the owner;

(2) The city may direct that the system be removed from the parkway upon 90 days' written notice to the owner; and

(3) The owner releases the city from any and all liability as a result of any damage to the sprinkling/watering system, whether caused by the city or otherwise.

(b) The application fee for the permit required by this section shall be \$25.00.

(Code 1968, § 8-14 Code 1996, § 22-11)

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, of 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.

(Ord. No. F-0539, § 1, 12-4-00; Ord. No. F-0879, § 2, 1-20-04 Code 1996, § 22-12)

Sec. 22-10 Premises Identification.

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.

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 2 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.

Where there are additional doors which will be used as exit/access for fire fighting, Arabic numerals a minimum of 4 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.

This section applies to all new construction, change of ownership, tenant changes and commercial re-occupancies.

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, § 58-28(c)(8))

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- 31)

Sec. 22-12. Means/Board of Appeals

A) General

The Code Official is hereby authorized and directed to enforce the provisions of the ICC International Building Code, Residential Code, Mechanical Code, Fuel Gas Code, and NFPA 70 National Electrical Code 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 sub-section A shall have the right to appeal to a Board of Appeals provided that a written application for the appeal is filed within twenty (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 there under 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 (3) 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 (3) 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 (1) of each the Code Official and the Appellant's nominated candidates for the Board of Appeal shall be drawn. The two (2) selected members of the Board of Appeal shall then meet and select the third member of the panel. The Board shall be appointed within thirty (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 twenty (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 (3) 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 Illinois law.

I) Costs

Any Appellant losing the appeal shall reimburse the City of Wheaton for all costs and expenses incurred in consequence of the proceedings before the Board, including compensation of members as provided for in Section E). 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.

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

ARTICLE II.
CONTRACTORS

DIVISION 1.
GENERALLY

Sec. 22-15 Definitions

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

BUILDING TRADES: shall include but are 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: One that agrees to furnish materials or perform services at a specified price, especially for construction work. 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: 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. Such term does not include employees employed by such contractor to do supervisory work.

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.

FIRE SPRINKLER CONTRACTOR means a person who holds himself or herself 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 IL Plumbing Code and ending at the most remote fire sprinkler.

GENERAL CONTRACTOR: Any contractor who performs, controls or subcontracts to 1 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 shall mean any person engaged in the business of installing, altering or servicing heating, air conditioning or refrigerating systems.

PLUMBING CONTRACTOR / IRRIGATION CONTRACTOR: shall mean any licensed person authorized to perform plumbing as defined in this chapter. Licenses are issued by the State of Illinois Dept of Public Health.

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.

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 or persons live, work or assemble from the point of connection of such building drain to the building sewer or private sewage disposal system 5 feet beyond the foundation walls.

ROOFING CONTRACTOR: shall mean 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 State of Illinois Dept of Professional Regulations

(a) *Limited roofing license* means a license made available to contractors whose roofing business is limited to residential roofing, including residential properties consisting of 8 units or less.

(b) *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.

DIVISION 2.
LICENSE / REGISTRATION*

Cross reference(s)--Business registrations generally, § 26-31 et seq.

State Statutes:

65 ILCS 5/11-33-1 Registration of Electrical Contractors
225 ILCS 312/ Elevator Safety and Regulation Act
225 ILCS 317/ Fire Sprinkler Contractor Licensing Act
225 ILCS 216/ Fire Equipment Distributor and Employee Regulation Act of 2000
225 ILCS 447 Private Detective, Private Alarm, Private Security and Locksmith Act of 2004
65 ILCS 5/11-32-1 Regulation of Heating, Air Conditioning and Refrigeration Inst
225 ILCS 320/ Illinois Plumbing License Law
225 ILCS 335/1 Illinois Roofing Industry Licensing Act

Sec. 22-16. Required; Registration.

It shall be unlawful for any person to engage in the business of general contractor, electrical contractors, mechanical contractor, demolition (principal & accessory) contractor, (building) moving 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 of Illinois.

(Code 1968, § 8-15 Code 1996, § 22-301)

Sec. 22-17. Reciprocity.

If a contractor is licensed for the current year with the State of Illinois, 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. 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, § 22-305)

Sec. 22-18. Registration and affidavit.

Each person desiring to become registered in the city as one of the types of contractors regulated by section 22-16 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.

Application shall include the full name(s) 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 1968, § 8-15.1 Code 1996, § 22-302)

Sec. 22-19. Fee.

The fee for registration as a contractor regulated by section 22-16 shall be \$25.00; payable at the time application for registration is made. Fees shall not be prorated.

(Code 1968, § 8-15.2 Code 1996, § 22-303)

Sec. 22-20. 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 1968, § 8-15.3 Code 1996, § 22-304)

Sec 22-21. Licenses issued by the City of Wheaton.

Upon expiration, any and all licenses issued by the City of Wheaton will be renewed as a registration subject to the requirements of this article.

Sec. 22-22. Plumbing Contractors Registration

All licensed plumbers desiring to do plumbing work in the City must supply a copy of their State of Illinois Plumbing Contractor Registration.

Sec. 22-23. Bond--Required.

Each contractor 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 of Wheaton as the Obligee. The bond shall remain in full force and effect and be continuous until cancelled. All bonds require 30 day notice of cancellation. Bond

requirements do not apply to plumbing, roofing or other contractors who fulfill bond requirements of the State of Illinois unless otherwise stated.

(Code 1968, § 8-15.5 Code 1996, § 22-306)

Sec. 22-24. 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.

Sec. 22-25. Other requirements; public right-of-way

All contractors who perform work on City property or on the public 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 WCC 58. House Moving contractors shall provide bond and insurance as specified in WCC 58.

Sec 22-26 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.

Sec 22-27 Same, 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.

Sec 22-28 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 multi-family 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 Illinois plumbing license law and applicable codes.

Secs. 22-29--22-30. Reserved.

**ARTICLE III.
BUILDING CODE**

Sec. 22-30. Adoption.

The following document, three copies of which are on file in the office of the city clerk, being marked and designated as the **ICC International Building Code/2003 edition, including Appendix I**, 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 1968, § 8-1(a) Code 1996, § 22-31)

State law reference(s)--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/2003 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 of the City of Wheaton, 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 Ordinance No. F-1044, 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 101.1 *Title* insert "the City of Wheaton"

Section 108.2 *Schedule of permit fees* shall be amended by adding the following: "Wheaton City Code Appendix B Fee Schedule."

Section 112 *Board of Appeals* shall be deleted. Any references to the Board / Means of Appeal shall comply with Section 22-12 of the Wheaton City Code.

Section 113.4 *Violation Penalties* shall be deleted and the following inserted "See Chapter 22 Building and Building Regulations Article I Section 22-3."

Section 501.2 *Premises identification* shall be deleted in entirety and replaced with the following: "All premises identification shall comply with Sec 22-10 *Premises identification*"

Section [F]903.2.1.1 *Group A-1* #1 change 12,000 to 5,000

Section [F]903.2.1.3 *Group A-3* #1 change 12,000 to 5,000

Section [F]903.2.1.4 *Group A-4* #1 change 12,000 to 5,000

Section [F]903.2.2 *Group E* #1 change 20,000 to 5,000

Section [F]903.2.3 *Group F-1* #1 change 12,000 to 5,000

Section [F]903.2.3 *Group F-1* #3 change 24,000 to 10,000

Section [F]903.2.6 *Group M* #1 change 12,000 to 5,000

Section [F]903.2.6 *Group M* #3 change 24,000 to 10,000

Section [F]903.2.8 *Group S-1* #1 change 12,000 to 5,000

Section [F]903.2.8 *Group S-1* #3 change 24,000 to 10,000

Section [F]903.2.8.1 *Repair garages* #1 change 10,000 to 5,000

Section [F]903.2.8.1 *Repair garages* #2 change 12,000 to 5,000

Section [F] 903.4.1 *Signals* delete the section and insert the following text to read: "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 new Section 903.6 et seq. as follows:

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.

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* delete “Where a building fire alarm system is installed,”

907.2 *Where required* shall be amended by deleting the paragraph and inserting the following text: An approved manual, automatic or manual and automatic fire alarm system shall be installed in all new buildings and structures. An approved manual, automatic or manual and automatic fire alarm system shall be installed in all existing buildings and structures in accordance with Sections 907.2.1 through 907.2.23 when cost of proposed remodeling or reconstruction in any given year is 50% or greater than the value of the building. 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. Where automatic sprinkler protection is provided in accordance with 903.3.1.1 or 903.3.1.2 is provided and connected to the building fire alarm system, automatic heat detection required by this section shall not be required. An approved automatic fire detection system shall be installed in accordance with the provisions of this code and NFPA 72. Devices, combinations of devices, appliances and equipment shall comply with Section 907.1.2. The automatic fire detectors shall be smoke detectors, except that an approved alternative type of detector shall be installed in spaces such as boiler rooms where, during normal operation, products of combustion are present in sufficient quantity to actuate a smoke detector.

Section [F] 907.14 *Monitoring* shall be amended by adding the following “All alarm and supervisory signals shall be transmitted directly to the fire alarm receiving equipment of the City of Wheaton.”

Add new Section “1101.3 *Code Conflict*. When there is a conflict between this code and the Illinois Accessibility Code, the stricter of the codes shall apply.”

Section 1612.3 *Establishment of flood hazard areas* insert “the City of Wheaton Special Flood Hazard Area map # 170221 0005B dated June 15, 1979 and DuPage County Special Flood Area Hazard Area map # 170197 0040B dated April 15, 1982.”

Section 3410.2 Insert the date “July 1970” as the effective date of building codes within the City of Wheaton.

Sec. 22-32 Amendments to Appendices

(a) The additions, insertions, deletions and changes set out in this section are hereby made to the ICC International Building Code/2003 adopted in section 22-30.

(b) The following sections or subsections of Appendix I *Patio Covers* amended as indicated:

Section I101.1 *General* shall be deleted and replaced with the following “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 1968, §8-3; Ord. No. F-0074, § 1, 11-18-96; Ord. No. F-0539, § 2, 12-4-00 Code 1996, § 22-32)

Secs. 22-33--22-39. Reserved.

ARTICLE IV. RESIDENTIAL CODE

Sec. 22-40. Adoption.

The following document, three copies of which are on file in the office of the city clerk, being marked and designated as the **ICC International Residential Code/2003 edition, including Appendices A, B, C, G, H, J** 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. Appendices D, E, F, I, K shall be for information only and are not adopted or a part of this code.

(Code 1968, § 8-1(d) Code 1996, § 22-241)

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/2003, 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.
- (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 Ordinance No. F-1044, 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 R 101.1 *Title* insert "the City of Wheaton"

Section R 101.2 *Scope* shall be amended by adding the following sentence: "The International Building Code may be referenced for additional information and/or clarifications."

Section R 105.2 *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.

Section R 105.7 *Placement of permit* shall be amended by adding the following sentence: "The permit shall be visible from the street, accessible, and near the front door."

Add new Section "R 105.9 *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 must be completed within 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 R 106.1 *Submittal documents* The following is added: “Plans for manufactured rooms and any supporting structural foundation shall include a registered design professional’s seal, signed and dated with the license expiration date.”

Section R 112 *Board of Appeals* shall be deleted. Any references to the Board / Means of Appeal shall comply with Section 22-12 of the Wheaton City Code.

Section R 113.4 *Violation Penalties* shall be deleted and the following inserted: “See Chapter 22 Building and Building Regulations Article I Section 22-3.”

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

Ground Snow Load	25 psf
Wind Speed	3 second 90 normal 75
Seismic Design Category	21.8% / B
Weathering	Severe
Frost line depth	42 inches
Termite	Moderate to heavy
Decay	Slight to moderate
Winter Design Temperature	-4 degrees F
Ice Shield Underlayment	Yes
Flood Hazard	June 15, 1979
Air Freezing Index	2000
Mean Annual Temperature	50 degrees F

Section R 309.2 *Separation required*. Amend the section by adding: “All portions of walls and ceilings of detached garages within ten (10) feet of the principal residence shall be covered with a minimum of one (1) layer of 1/2 inch gypsum or approved equal.

Section R 311.5.1 *Width* Amend the section by adding: “Stair stringers shall not exceed a maximum spacing of 36 inches on center or part thereof.

Section R 319.1 *Location required* (2) shall be deleted and replaced with the following: “All sills or plates that rest on concrete or masonry exterior walls.”

Section R 321.1 *Premises identification* shall be deleted in entirety and replaced with the following: “All premises identification shall comply with Sec 22-10 *Premises Identification*.”

Section R 401.1 *Application* shall be deleted in entirety and shall be replaced as follows: “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 R 403.1.4.1 *Frost protection* Exception #1 shall be modified by replacing “400” square feet with “700” square feet. Exception # 2 shall be deleted.

Section R 404.1.2 *Concrete foundation walls* is deleted in its entirety and replaced by the following: “Concrete foundation walls shall be constructed as set forth in Tables R404.1.1(1), R404.1.1(2), R404.1.1(3) and R404.1.1(4) and shall also comply with the provisions of this section and the provisions of section R402.2. The minimum width of foundation walls shall not be less than 8-inches for frame construction and 10-inches for masonry veneer.”

Section R 502 *Wood floor framing* shall be amended by adding new sections:

“R 502.2.2 *Anchoring* The minimum size bolt for all connections where bolts are installed shall not be less than $\frac{1}{2}$ inch in diameter. Where a ledger board is anchored to the building, two bolts shall be installed at the ends of each member and there after at a staggered spacing not to exceed 24-inches on center.”

“R 502.2.3 *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.”

Section R 602.9 *Cripple walls* shall be amended by deleting the second sentence in its entirety and shall be replaced with: “Such studs shall be one size larger than the studs in the wall above where there is more than one story above the cripple wall.”

Section R 807 *Attic Access* shall be amended by adding new subsection “R 807.2 *Location* The attic access shall not be located in a closet.”

Table N1101.2 in Chapter 11 *Energy Efficiency* shall be amended to indicate “Wheaton” as being within Zone “13”.

Sec. 22-42 Amendments to Appendices.

(a) The additions, insertions, deletions and changes set out in this section are hereby made to the ICC Residential Code/2003 Appendices adopted in section 22-40.

(1) The following sections or subsections of the Appendix G *Swimming Pools and Spas* is amended as indicated:

Section AG102 Definitions – *SWIMMING POOL* revise the first sentence of the definition after the word “that” to read “is capable of containing water to a depth of 24 inches or more.”

(2) The following sections or subsections of the Appendix H *Patio Covers* are amended as indicated:

Section AH103.1 (*Permitted Uses*) *General* shall be deleted and replaced with the following "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."

(Code 1968, § 8-3.2 Code 1996, § 22-241)

Secs. 22-43—22-49. Reserved

**ARTICLE V.
ELECTRICAL***

State law reference(s)--Authority of municipality to regulate electrical work, 65 ILCS 5/11-37-1 et seq.

ELECTRICAL CODES

Sec. 22-50. Adoption.

The following document, three copies of which are on file in the office of the city clerk, being marked and designated as the **ICC Electrical Code, Administrative Provisions/ 2003 edition**, 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 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.

Sec. 22-51. Amendments.

- (a) The additions, insertions, deletions and changes set out in this section are hereby made to the ICC International Electrical Code Administrative Provisions/2003 adopted in section 22-50.
- (b) Any reference in the electrical code to the "code official" shall mean the director of building and code enforcement of the city.

(c) Any reference in the electrical code to the "name of jurisdiction" shall mean the City of Wheaton.

(d) Any reference in the electrical code to the "authority having jurisdiction" shall mean the city manager or the city council, as prescribed by ordinance.

(e) Any reference in the electrical 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 Ordinance No. F-1044, or as provided by law.

(f) The following sections or subsections of the electrical code are amended as indicated:

Section 101.1 *Title* insert: "the City of Wheaton"

Section 404.2 *Schedule of permit fees* insert "Wheaton City Code Appendix B Fee Schedule."

Chapter 11 *Means of Appeals* shall be deleted. Any references to the Board / Means of Appeal shall comply with Section 22-12 of the Wheaton City Code.

Sec. 22-52. Adoption.

The following document, three copies of which are on file in the office of the city clerk, being marked and designated as the **NFPA 70 National Electric Code 2002 Edition**, prepared by the National Electrical Code Committee and acted on by the National Fire Protection Association, 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 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 1968, § 8-1(f) Code 1996, § 22-71)

Sec. 22-53 Amendments

(a) The additions, insertions, deletions and changes set out in this section are hereby made to the NFPA 70 National Electric Code 2002 Edition adopted in section 22-52.

(b) The following sections or subsections NFPA 70 National Electrical Code/2002 are amended as indicated:

Add new Section 210.8 *Ground-Fault Circuit-Interrupter Protection for Personnel* "(C) *Location*. The ground-fault circuit-interrupter(s) required by this section 210-8 shall be located in the same room as the receptacle(s) served."

Section 210.11 *Branch Circuits Required (C) Dwelling Units (1) Small appliance branch circuits*- is amended by deleting the word "two" and inserting in its place the word "three" in line three.

Section 210.52 *Dwelling Unit Receptacle Outlets (B) Small Appliance (1) Receptacle Outlets Served* is amended by deleting the word "two" and inserting in its place the word "three" in line three.

Section 210.52 *Dwelling Unit Receptacle Outlets (B) Small Appliance (2) No Other Outlets* shall be amended as follows:

1. In the first sentence, change the word "two" to "three"
2. Add new wording at the end of the text to read: "No more than three outlets in one 20-amp circuit in kitchen and dining area. In single-family dwellings and multiple-family dwellings receptacle will be split wired when switched."

Section 230.70 (*Service Equipment – Disconnecting Means*) *General (A) Location (1) Readily Accessible Location* is amended by deleting the text and substituting new text to read: "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 310.2 *Conductors (B) Conductor material* is amended by adding "Sizes #8 AWG, #10 AWG and #12 AWG aluminum and aluminum clad copper shall not be permitted."

Section 334.10 (*Non-Metallic Sheathed Cable: Types NM, NMC, and NMS*) *Uses Permitted* is amended by inserting new text to read "Type NM, Type NMC, and Type NMS cables shall be permitted to be used *only for temporary wiring in accordance with Article 527 Temporary Installations of this code* in the following."

Section 340.10 (*Underground Feeder and Branch-Circuit Cable: Type UF*) *Uses Permitted* (3) is amended by deleting the text and substituting new text to read "For use only as temporary wiring in interior wiring in accordance with Article 527 *Temporary Installations of this code*."

Section 352.10 (*Rigid Non-metallic Conduit: Type RNC*) *Uses Permitted (A)* is hereby deleted.

Section 362.10 (*Electrical Nonmetallic Tubing*) *Uses permitted* is amended by deleting the text and substituting new text to read "For the purpose of this article the first floor of a building shall be that floor that has 50 % 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, 780, 800, 810, 820 and 830 in the following.”

Section 394.10 (*Concealed Knob and Tube Wiring*) *Uses permitted* (1) is amended by deleting the text and substituting new text to read “only for repair of existing systems.”

(Code 1968, § 8-48 Code 1996, § 22-72)

ARTICLE VI. MECHANICAL CODE

Sec. 22-60. Adoption.

The following document, three copies of which are on file in the office of the city clerk, being marked and designated as the **ICC International Mechanical Code/2003 edition, excluding Appendices** 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 1968, § 8-1(b) Code 1996, § 22-166)

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/2003 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 Ordinance No. F-1044, or as provided by law.

(g) The following sections or subsections of the mechanical code are amended as indicated:

Section 101.1 *Title* insert "the City of Wheaton"

Section 106.5.2 *Fee Schedule* insert "Wheaton City Code Appendix B Fee Schedule"

Section 106.5.3 *Fee Refunds* shall be deleted.

Section 108.4 *Violation Penalties* shall be deleted and the following inserted: "See Chapter 22 Building and Building Regulations Article I Section 22-3."

Section 108.5 *Stop Work Orders* shall be completed by insertion of the amount "\$100.00" in the first blank provided and the amount "\$300.00" in the second blank provided.

Section 109 *Means of Appeals* shall be deleted. Any references to the Board / Means of Appeal shall comply with Section 22-12 of the Wheaton City Code.

Add new 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 of Illinois, the most restrictive provision of either shall prevail."

Add new Section "907.3 *Annual inspection*. Periodic inspections of all crematories and incinerators shall be conducted in accordance with the rules of the inspection authority having jurisdiction."

(Code 1968, § 8-73.11 Code 1996, § 22-167)

Secs. 22-62--22-69. Reserved.

ARTICLE VII. FUEL GAS CODE

Sec. 22-70. Adoption.

The following document, three copies of which are on file in the office of the city clerk, being marked and designated as the **ICC International Fuel Gas Code /2003 edition, including Appendices A, B & 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. Appendix D shall be for information purposes only and is not adopted or a part of this code.

(Code 1968, § 8-1(b))

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/2003 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 of Wheaton.
- (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 Ordinance No. F-1044, or as provided by law.
- (g) The following sections or subsections of the fuel gas code are amended as indicated:

Section 101.1 *Title* insert "the City of Wheaton"

Section 106.5 *Fees* insert "Wheaton City Code Appendix B Fee Schedule"

Section 108.4 *Violation Penalties* shall be deleted and the following inserted: "See Chapter 22 Building and Building Regulations Article I Section 22-3."

Section 108.5 *Stop Work Orders* shall be completed by insertion of the amount "\$100.00" in the first blank provided and the amount "\$300.00" in the second blank provided.

Section 109 (IFGC) *Means of Appeals* shall be deleted. Any references to the Board / Means of Appeal shall comply with Section 22-12 of the Wheaton City Code.

Secs. 22-72--22-79. Reserved.

ARTICLE VIII.

RESERVED (ENERGY CONSERVATION CODE)

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ARTICLE IX. PLUMBING*

State law reference(s)--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 a master plumber, employing a plumber or journeyman plumber, shall first obtain a license granting him that right.

(Code 1968, § 8-58 Code 1996, § 22-191)

Cross reference(s)--Business licensing generally, § 26-31 et seq.

State law reference(s)--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 of this Code.

(Code 1968, § 8-61 Code 1996, § 22-192)

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 1968, § 8-63 Code 1996, § 22-194)

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 1968, § 8-64 Code 1996, § 22-195)

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 1968, § 8-66 Code 1996, § 22-196)

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 1968, § 8-67 Code 1996, § 22-197)

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 1-8 for each day after the day fixed in such notice in which the apparatus remains in disrepair.

(Code 1968, § 8-68 Code 1996, § 22-198)

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 1968, § 8-69 Code 1996, § 22-199)

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 1968, § 8-70 Code 1996, § 22-200)

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 1968, § 8-71 Code 1996, § 22-201)

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 1968, § 8-72 Code 1996, § 22-202)

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:

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

(Code 1968, § 8-73.1 Code 1996, § 22-203)

Secs. 22-102--22-109. Reserved.

DIVISION 2.
PLUMBING CODE

Sec. 22-110. Plumbing Code.

2004 Illinois Plumbing Code as published by the Illinois Department of Public Health, and amended from time to time, shall be the plumbing code of the City of Wheaton except where more restrictive requirements are adopted by this Ordinance. All references to the ICC International Plumbing Code contained in any other ICC International Code adopted by the City of Wheaton shall be enforced to the extent that any provision is more restrictive than the minimum requirements established by the Illinois Plumbing Code.

Sec. 22-111. Water Service Lines

Piping for water service lines 2 inches or smaller in diameter shall be Type K seamless copper water tubing (ASTM B 88-1996).

Piping for water service lines 2 ½ inches or larger in diameter shall be ductile iron cement-lined water main (Class 52) (ASTM A377-1984) unless otherwise permitted.

ARTICLE X.
FIRE CODES*

State law reference(s)--Municipal fire prevention and protection, 65 ILCS 5/11-6-1 et seq.

DIVISION 1.
GENERALLY

Sec. 22-120 False fire alarm service charge.

(1) Definitions. For the purpose of this article, the following words and phrases shall have the meanings ascribed to them in this section:

a. False fire alarm: An alarm signal which indicates the existence of an emergency situation when, in fact, no such emergency exists, and shall include any alarm signal generated by any fire protection system by whatever means but shall not include alarms resulting from any of the following causes:

1. Fire causing structural damage to the protected premises verified by the fire department.

2. Flooding to the protected premises due to overflow of natural drainage.
3. Lightning causing physical damage to the protected premises.
4. Telephone line malfunction verified to the fire department by an authorized telephone company supervisor.
5. Electrical service interruption.
6. Plumbing or electrical malfunctions unrelated to the fire protection system.
7. Natural causes.
8. Steam, humidity.
9. Physical damage to the property caused by earthquake.
10. Physical damage to the property caused by high winds.
11. The alarm system was newly installed within the last 30 days in full compliance with the requirements of this article.
12. Maliciously false alarm, except that a person caught maliciously activating an alarm will be charged according to established fire department fee schedule.
13. Accidental activation; no negligence.
 - b. Fire alarm user: The person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility or portion thereof wherein a fire protection system is maintained.
 - c. Fire protection system: A system including devices and equipment to detect a fire, activate an alarm or suppress or control a fire, or any combination thereof.
 - d. Fire suppression system: A mechanical system designed and equipped to detect a fire, activate an alarm and suppress a fire.

(2) Installation, operation and maintenance standards. The installation, operation, maintenance and inspection of any fire protection equipment shall be pursuant to the terms of this article.

(3) False fire alarm service charge. A fire alarm user shall be charged a service charge of \$75.00 for each false alarm in excess of two per month at the protected premises, if such false fire alarm is due to or caused by a lack of required maintenance as specified in the ICC International Fire Code, or resulting from any test, repair, alteration, installation or addition to the fire protection system without prior notification thereof to the city fire department or

fire dispatch center. All false fire alarm service charges shall be remitted to the city by the alarm user upon receipt of the statement for such service charge.

(4) Liability of city limited. The city assumes no liability for:

- a. Any defects in the operation of an alarm system.
- b. Failure or neglect of any person in connection with the installation, operation or maintenance of an alarm system.

(Code 1996, § 22-137)

DIVISION 2. FIRE CODES

Sec. 22-125. Adoption.

The following document, three copies of which are on file in the office of the city clerk, being marked and designated as the **ICC International Fire Code/2003 edition, including Appendix Chapters 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.

Sec. 22-126. Same--Amendments.

- (a) The additions, insertions, deletions and changes set out in this section are hereby made to the ICC International Fire Code/2003, as adopted in section 22-125.
- (b) Any reference in the fire code to the "fire code official" shall mean the 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 Ordinance No. F-1044, or as provided by law.

(g) The following sections or subsections of the code adopted by section 22-125 are revised as indicated:

Section 101.1 *Title* insert "the City of Wheaton".

Section 104.6.2 *Inspections* is hereby deleted and the following inserted: "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 Wheaton 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* is hereby amended by deleting the words "fire code official" and substituting in place and instead thereof the words "Chief of the Wheaton Fire Department."

Section 104.10 *Fire Investigations* is amended by deleting all references in the section to the "fire code official" and substituting in place and instead thereof the words "Chief of the Wheaton Fire Department or his authorized representative."

Section 108 *Board of Appeals* shall be deleted in its entirety. Any references to the Board / Means of Appeal shall comply with Section 22-12 of the Wheaton City Code.

Section 109.3 *Violation Penalties* shall be deleted and the following inserted "Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official or his designee, or of a permit or certificate used under provisions of this code, shall be subject to the penalties as provided in WCC Section 1-8.

The imposition of a penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and, when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense. "

Section 111.4 *Failure to comply* shall be completed by insertion of the amount "\$100.00" in the first blank provided and the amount "\$300.00" in the second blank provided.

Section 202.0 Definition of FIRE CODE OFFICIAL is hereby amended to read: "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* is deleted in its entirety and the following inserted "*Open burning and Recreational Fires* shall be in accordance with the Wheaton City Code Sec. 54-113 *Open Burning*."

Section 505.1 *Address numbers*. Shall be deleted in entirety and replaced with the following: "All premises identification shall comply with WCC Sec. 22-10 *Premises identification*"

Section 510.1 *Identification* shall be amended by adding 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 4 inches in height with ½ inch stroke."

Add a new (second) paragraph to Section 903.2 *Where required* to read "When construction is proposed an approved automatic sprinkler system shall be installed in existing buildings and structures in accordance with Sections 903.2.2 Group E, 903.2.5 Group I and 903.2.7 Group R whenever the cost of the remodeling or reconstruction in any given year is 50% or greater than the value of the building. 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. Where automatic sprinkler protection is provided in accordance with 903.3.1.1 or 903.3.1.2 and connected to the building fire alarm system, automatic heat detection required by this section shall not be required."

Section 903.2.1.1 *Group A-1* #1 change 12,000 to 5,000

Section 903.2.1.3 *Group A-3* #1 change 12,000 to 5,000

Section 903.2.1.4 *Group A-4* #1 change 12,000 to 5,000

Section 903.2.2 *Group E* #1 change 20,000 to 5,000

Section 903.2.3 *Group F-1* #1 change 12,000 to 5,000

Section 903.2.3 *Group F-1* #3 change 24,000 to 10,000

Section 903.2.6 *Group M* #1 change 12,000 to 5,000

Section 903.2.6 *Group M* #3 change 24,000 to 10,000

Section 903.2.8 *Group S-1* #1 change 12,000 to 5,000

Section 903.2.8 *Group S-1* #3 change 24,000 to 10,000

Section 903.2.8.1 *Repair garages* #1 change 10,000 to 5,000

Section 903.2.8.1 *Repair garages* #2 change 12,000 to 5,000

Section 903.4.1 *Signals*. Delete the section and insert the following text to read “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 new Section 903.7 et seq. as follows:

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 907.3 shall be amended to read “*Where required – retroactive in existing buildings and structures when construction is proposed.*” and shall further be amended by deleting the first paragraph and inserting the following text: An approved manual, automatic or manual and automatic fire alarm system shall be installed in existing buildings and structures in accordance with Sections 907.3.1 through 907.3.1.8 when cost of proposed remodeling or reconstruction in any given year is 50% or greater than the value of the building. 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. Where automatic sprinkler protection is provided in accordance with 903.3.1.1 or 903.3.1.2 and connected to the building fire alarm system, automatic heat detection required by this section shall not be required.

Section 907.15 *Monitoring* shall be amended by adding the following “All alarm and supervisory signals shall be transmitted directly to the fire alarm receiving equipment of the City of Wheaton.”

Add new Section “2701.7 *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 listed in appendix A.”

Section 3204.3 *Outdoor storage* shall be deleted and replaced as follows: “The outdoor storage of cryogenic fluids shall be prohibited.”

Section 3301.2.4.2 *Fireworks display* is deleted and replaced as follows: “*Bond For Display* Each person applying for a permit to exhibit fireworks shall, as a condition precedent to the issuance of such permit, file or cause to be filed with the city clerk a policy of insurance in which the city, its officials, agents and employees, are insured against the liability that may be imposed upon them by law for damages because of bodily injury, sickness or disease, including death, at any time resulting there from, sustained by any person, and injury to or destruction of property, including the loss of use thereof, arising out of any fireworks display. In lieu of filing the policy of insurance, a certificate evidencing the issuance of such insurance, executed by a duly authorized agent, servant or employee of the carrier, may be so filed; provided, that such insurance shall be written by an insurance carrier authorized to conduct such business in the state.”

(1) Minimum coverage. The insurance policy required by this article shall be written for at least the following minimum coverage:

- a. A limit of \$1,000,000.00 for all damages arising out of bodily injury, sickness or disease, including death, at any time resulting there from sustained by any person or persons.
- b. A limit of \$1,000,000.00 for damages arising out of injury or destruction of all property of one or more persons as a result of any one accident.
- c. The policy shall contain a provision that it shall not be cancelled by the carrier until at least ten days' notice thereof by mail shall have been given to the city by mailing such notice to the city clerk.

(2) Permit revocation. Any permit issued under the provisions of this article may be revoked by the city manager for a violation of the provisions of this article, and the revocation of a permit shall not preclude the imposition of a penalty under the provisions of section 1-8 of this Code.

Add new Section “3401.2.1. *Above ground tanks outside, above grade* It shall be illegal to install or maintain any aboveground storage tank of flammable or combustible liquids with the following exceptions:

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 aboveground 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 1968, § 12-23 (15) Ord. E-4087)

Secs. 22-127--22-129. Reserved.

**ARTICLE XI.
PROPERTY MAINTENANCE CODE***

Cross reference(s)--Housing commission, § 2-411 et seq.

Sec. 22-130. Adoption.

The following document, three copies of which are on file in the office of the city clerk, being marked and designated as the **ICC International Property Maintenance Code/2003 edition**, 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.

(Code 1968, § 8-1(e) Code 1996, § 22-266)

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/2003 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 of Wheaton.
- (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 Ordinance No. F-1044, or as provided by law.
- (h) The following sections or subsections of the property maintenance code are amended as indicated:

Section 101.1 *Title* insert "the City of Wheaton"

Section 102.3 *Application of other codes* shall be changed 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* shall be deleted.

Section 103.5 *Schedule of permit fees* insert "Wheaton City Code Appendix B Fee Schedule"

Section 106.4 *Violation Penalties* shall be deleted and the following inserted: "See Chapter 22 Building and Building Regulations Article I Section 22-3."

Section 107.2 *Form* shall be amended by deleting "5. Inform the property owner of the right to appeal." and "6. Include a statement of the right to file a lien in accordance with section 106.3."

Section 111 *Means of Appeals* shall be deleted in its entirety. Any references to the Board / Means of Appeal shall comply with Section 22-12 of the Wheaton City Code.

Section 302.4 *Weeds* delete in its entirety. (WCC Section 78-91 et seq)

Section 302.8 *Motor vehicles* delete in its entirety. (WCC Section 70-566 et seq.)

Section 302.9 *Defacement of Property* delete in its entirety. (WCC Sections 42-7 and 42-22)

Section 303.2 *Enclosures* The first sentence shall be amended so that it reads “Private swimming pools, hot tubs and spas, capable of containing water more than 24 inches in depth . . .”

Section 304.3 *Premises identification* shall be deleted in entirety and replaced with the following: “All premises identification shall comply with WCC Sec 22-10 *Premises Identification*”

Section 304.6 *Exterior walls* is amended by the addition of 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, repointing, and tuck pointing to maintain surface integrity and weatherproofing.”

304.14 *Insect screens* delete: “During the period from (DATE) to (DATE), every” and insert: “Every”

Section 307 *Rubbish and garbage* shall be amended to read as follows:

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

“307.2.1 *Rubbish/garbage storage facilities* The owner of every occupied premises shall supply approved covered containers for rubbish/garbage, and the owner of the premises shall be responsible for the removal of rubbish. Containers shall be appropriately secured to ensure that debris or refuse is not scattered by weather, animals, or other such causes.”

Delete in its entirety “307.3 *Disposal of garbage*” and “307.3.1 *Garbage facilities*” and re-number sequentially 307.3.2 *Containers*.

Section 308.4 (*Extermination*) *Multiple Occupancy* delete “in the public or shared areas of the structure and exterior property.”

Section 602.2 *Residential Occupancies* delete “indicated in Appendix D of the International Plumbing Code.” and insert “(-4° F)”

Section 602.3 *Heat Supply* insert "September 15" and "June 1" respectively. Also delete "as indicated in Appendix D of the International Plumbing Code." And insert "-4° F."

Section 602.4 *Occupiable work space* insert "September 15" and "June 1" respectively.

Add new 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."

(Code 1996, § 22-5)

ARTICLE XII. FENCES AND FLAGPOLES

Sec. 22-150. Definitions.

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:

Corner lot shall mean as defined in the Wheaton Zoning Ordinance, Article II, Definitions.

Decorative fence shall mean an open fence constructed of wrought iron or similar material, split rails or pickets, and not a shadow box, "board on board" type fence.

Fence means a structure forming a barrier between lots, between a lot and a street or any alley, public or private, or between portions of a lot or lots, such structures being independent of any other.

Lot line shall mean as defined in the Wheaton Zoning Ordinance, Article II, Definitions.

Open fence shall mean one constructed so that at least 40 percent of the superficial area thereof consists of apertures.

Shadow box or board on board fence shall mean an open type fence that has boards installed on alternating sides of horizontal members so that when viewed perpendicular there is a one-quarter inch or greater separation between the alternating vertical members which creates a fence that is generally the same on both sides when mounted or installed between the vertical fence posts.

Split rail fence shall mean an underdressed fence rail split lengthwise from a log and set at either end into an upright post, not exceeding a height of four feet above grade.

(Code 1968, § 8-74; Ord. No. F-0640, § 1, 10-15-01 Code 1996, § 22-331)

Cross reference(s)--Definitions generally, § 1-2.

Sec. 22-151. Nonconforming fences.

Any and all fences erected, installed or maintained in violation of this article, which existed lawfully at the time of adoption of this article [Oct. 15, 2001] or amendments thereto, shall become nonconforming upon the adoption of this article or any amendment thereto and may continue only in accordance with the following regulations:

- (1) A nonconforming fence which is destroyed by fire or other casualty or act of God or deteriorates to the extent that the cost of restoration to the condition in which it was before the occurrence will exceed 50 percent of the present value cost of restoration of the entire fence, shall not be restored unless said fence shall conform to all regulations of this article. In the event that such damage or destruction is less than 50 percent of the present value cost of restoration of the fence, no repairs or reconstruction shall be made unless such restoration is started within 180 days from the date of the partial destruction and is diligently prosecuted to completion.
- (2) Any fence erected prior to the effective date hereof which is in violation of any provision of this article shall be removed or brought into compliance with all provisions of this article not later than October 15, 2021.
- (3) Notwithstanding the foregoing, each strip or slat between and among the links of a chain link fence shall be maintained in good repair. Should more than five percent of the strips or slats at any given time need repair, all of the strips or slats shall be removed from the links of a chain link fence and not replaced.

(Code 1968, § 8-75; Ord. No. F-0640, § 1, 10-15-01 Code 1996, § 22-332)

Sec. 22-152. Supervision, inspection of fences.

It is hereby made the duty of the director of building and code enforcement to exercise supervision over all fences erected, altered, constructed or maintained in the city, and to cause inspection to be made whenever it shall appear to the director that any such fence, or any part thereof, has been erected in violation of the provisions of this article or any ordinance of the city or is in an unsafe condition or has become unstable or insecure or is in such condition as to be a menace to the safety or health of the public.

(Code 1968, § 8-76; Ord. No. F-0640, § 1, 10-15-01 Code 1996, § 22-333)

Sec. 22-153. Notice of article violation.

Should the director of building and code enforcement, upon examination and inspection of any fence, find any of the conditions enumerated in section 22-152 to exist, he shall

thereupon issue or cause to be issued a notice in writing to the owner of the property upon which the fence is placed, informing such person of the violation of this article and the dangerous condition of such fence, and directing him to make such fence comply with the requirements of this article, within such reasonable time as may be stated in such notice.

(Code 1968, § 8-77; Ord. No. F-0640, § 1, 10-15-01 Code 1996, § 22-334)

Sec. 22-154. Permits for erection, alteration of fences.

Before the erection or enlargement of any fence, or the structural alteration of a fence, a permit shall be obtained by the owner, or his agent, from the director of building and code enforcement; and it shall be unlawful to proceed with any such work unless such permit shall first have been obtained. Plans to scale, plat of survey and specifications showing work to be done and location of proposed fence on the owner's premises must be submitted with each application for a building permit.

(Code 1968, § 8-78; Ord. No. F-0640, § 1, 10-15-01 Code 1996, § 22-335)

Sec. 22-155. Classification of fences.

Fences shall be classified as either solid or open type.

(Code 1968, § 8-79; Ord. No. F-0238, § 1, 5-4-98; Ord. No. F-0640, § 1, 10-15-01 Code 1996, § 22-336)

Sec. 22-156. Fence construction, location standards.

(a) Fences shall be designed and constructed to resist a horizontal wind pressure of not less than 30 pounds per square foot in addition to all other forces to which they may be subjected.

(b) A fence, including all posts, bases and other structural parts thereof, shall be located completely within the boundaries of the lot on which it is located. No fence shall be located closer than 12 inches to a public sidewalk.

(c) All chain link fences must be constructed so that twists (barbed ends) are to the ground. The tops of all chain link fences shall be a knuckle edge.

(d) Fences shall be located so that access to property owned by the property owner, or adjacent parkways or alleyways are able to be maintained. Access must also be maintained to utilities such as but not limited to "utility boxes" sewer catch basins and water valves.

(Code 1968, § 8-80; Ord. No. F-0238, § 2, 5-4-98; Ord. No. F-0640, § 1, 10-15-01 Code 1996, § 22-337)

Sec. 22-157. Maximum fence heights.

(a) No fence may be erected to a height of more than six feet above grade except as permitted under subsection (f) of this section. Such fence may be either an open type or solid type fence.

(b) No fence may be erected to a height of more than three feet above grade within 30 feet of the intersection of the lot lines at the intersection of any street with any other street or alley or of the intersection of alleys. Such fence shall only be a decorative fence.

(c) No fence may be erected to a height of more than three feet above grade within the front yard as defined by the zoning ordinance of the city. Such fence shall only be a decorative type fence.

(d) No fence may be erected to a height of more than four feet above grade within the side yard, as defined by the zoning ordinance of the city, abutting a street. Such fence shall only be an open type fence. For a corner lot which has a side yard which abuts a street and the dwelling unit is so situated on the lot that the front door faces the abutting street and/or the address is based upon the abutting street, the fence along the side yard shall conform to section 22-157(c) except for the area in the side yard abutting a street within the area between the rear property line and the rear of the dwelling unit where an open type fence may be erected to a height of no more than four feet above grade.

(e) No fence may be erected to a height of more than six feet above grade within the side yard, as defined by the zoning ordinance of the city, abutting the following streets which have a 24 hour traffic volume of 3,000 or more vehicles. Such fence shall only be an open type fence.

Blanchard Street (south of Roosevelt Road)	Manchester Road
Briarcliffe Boulevard	Naperville Road
Brighton Drive	Orchard Road
Butterfield Road	Plamondon Road
County Farm Road	President Street
Cromwell Drive	Roosevelt Road
East Loop Road	Seminary Avenue (east of Main Street)
Elm Street (Warrenville Road to Naperville Road)	Shaffner Road
Gary Avenue	22nd Street
Geneva Road	Warrenville Road
Harrison Avenue	Washington Street (Roosevelt to Seminary)
Jewell Road	Wesley Street
Leask Lane	West Loop Road
Lorraine Road	West Street (Roosevelt to Harrison Street)
Main Street	Wiesbrook Road

For a corner lot which has a side yard which abuts a street which has a 24 hour traffic volume of 3,000 or more vehicles and the dwelling unit is so situated on the lot that the front door faces the abutting street and/or the address is based upon the abutting street, the fence along the side yard shall conform to section 22-157(c) except for the area in the side yard abutting a street within the area

between the rear property line and the rear of the dwelling unit where an open type fence may be erected to a height of no more than six feet above grade.

(f) An open type or solid type fence may be erected to a height not exceeding eight feet above grade in any of the following instances:

(1) Along a railroad right-of-way.

(2) Along the lot line of residential property (R1, R2, R3, R4, and R5) which separates such property from any business, multi family (R6 and R7) or industrial district, or from any property being used for a nonconforming use which is permitted only in a business or industrial district.

(3) Along the lot line of property used as a private or public utility substation.

(g) No fence may be erected to a height of more than six feet above grade on any lot having two front lot lines (double frontage lot) on the lot line adjacent to a street, Prairie Path or significant pedestrian way which is located toward the rear of the residential building.

If a topographical difference exists between the level of the street or pedestrian way and the abutting property which results in the level of the street, Prairie Path or pedestrian way being higher than the level of the abutting property as measured from the centerline of the street, Prairie Path or pedestrian way to the property line of the abutting property, then for each one-half foot of grade differential between the level of the street, Prairie Path or pedestrian way and the abutting property line, the fence may be increased in height one-half foot up to a maximum of eight feet.

(h) Structural elements of the fence may exceed the maximum height restrictions by no more than six inches.

(i) A dog enclosure or run shall not exceed six feet in height, or enclose an area greater than 20 percent of the rear yard and set back five feet from all property lines. A dog enclosure or run shall not be permitted in the front or side yard abutting a street.

(Code 1968, § 8-81; Ord. No. F-0238, § 3, 5-4-98; Ord. No. F-0640, § 1, 10-15-01 Code 1996, § 22-338)

Sec. 22-158. Construction of fences adjacent to right-of-way.

Every fence constructed along the rear lot line of a property which is adjacent to an existing or proposed road right-of-way, except for corner lots, must include a gate providing access to the right-of-way, in order to allow the adjoining property owner access to maintain such right-of-way.

(Code 1968, § 8-82; Ord. No. F-0640, § 1, 10-15-01 Code 1996, § 22-339)

Sec. 22-159. Electrically charged fences.

The use of electrically charged fences is prohibited.

(Code 1968, § 8-83; Ord. No. F-0640, § 1, 10-15-01 Code 1996, § 22-340)

Sec. 22-160. Use of barbed wire.

The use of barbed wire is prohibited except under the following conditions:

- (1) In the industrial district, but at a height of not less than seven feet above ground level.
- (2) In other districts by special permit from the city council when in its opinion such type protective barrier is required for the protection of the health, safety, and welfare of the residents of the city.

(Code 1968, § 8-84; Ord. No. F-0640, § 1, 10-15-01 Code 1996, § 22-341)

Sec. 22-161. Finished side to face outward.

All fences shall be erected so that the finished side of the fence shall face outward from the property on which it is erected.

(Code 1968, § 8-85; Ord. No. F-0640, § 1, 10-15-01 Code 1996, § 22-342)

Sec. 22-162. Number of fences along property line.

No more than one fence shall be permitted along the lot line of a parcel.

(Ord. No. F-0640, § 1, 10-15-01 Code 1996, § 22-343)

Sec. 22-163. Certain fence prohibitions; special permits.

(a) No chainlink fence shall be permitted in any front yard or, in the case of double frontage lots, the lot line adjacent to an arterial or collector street.

(b) No chainlink fence shall contain strips or slats of any kind between or among the links.

(c) Any school, church, governmental entity, private utility or public utility may petition the city council for a permit to construct a protective fence that would not conform to the requirements of this section. The city council shall approve such petition only upon finding that the proposed fence would:

(1) Not alter the essential character of an area.

(2) Be in harmony with the general intent and purpose of this section.

(3) Not set any unfavorable precedent either to the locality or the city as a whole.

(4) Not adversely affect the public safety and general welfare.

(d) No gate or fence is permitted across a driveway within the front or side yard abutting a street in a residential district.

(Ord. No. F-0640, § 1, 10-15-01 Code 1996, § 22-344)

Sec. 22-163. Flagpoles to resist wind pressure.

Any flagpoles shall be designed to resist a wind pressure of one and one-half pounds per square foot of flag area applied at the top of the pole and an additional pressure of 50 pounds per square foot of pole area on the vertical projection of the pole.

(Ord. No. F-0640, § 1, 10-15-01 Code 1996, § 22-345)

Sec. 22-164. Maximum height for flagpoles.

No flagpoles may exceed the height permitted for structures by the zoning ordinance of the city in the district in which such flagpole is erected and maintained.

(Ord. No. F-0640, § 1, 10-15-01 Code 1996, § 22-346)

ARTICLE XIII.
REDEVELOPMENT OF REAL ESTATE

Sec. 22-176. Definitions.

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:

Real property means lands, lands under water, structures, and any or all easements, franchises, and incorporeal hereditaments, estates and rights, legal and equitable, including terms for years and liens by way of judgment, mortgage or otherwise.

Redevelopment area means any improved or vacant area or parcel of real estate located within the territorial limits of the city to be acquired and/or developed in accordance with a redevelopment plan, where:

(1) If improved, industrial, commercial and residential buildings or improvements which, because of a combination of five or more of the following factors are detrimental to the public safety, health, morals or welfare: age, dilapidation; obsolescence; deterioration; illegal use of individual structures; presence of structures, or parts thereof, below minimum city and ICC International Code standards; excessive vacancies; overcrowding of structures and community facilities; lack of ventilation, light, or sanitary facilities; inadequate facilities; or excessive land coverage; deleterious land use or layout; depreciation or lack of physical maintenance; or any other condition which is detrimental to the public safety, health, morals or welfare;

(2) If vacant, the sound growth of the area is impaired by a combination of two or more of the following factors: obsolete platting of the vacant land; diversity of ownership of such land; tax and special assessment delinquencies on the land; deterioration of structures or site improvements in neighboring areas to the vacant land.

Redevelopment plan means the program for the clearing, or rehabilitation and physical development, of a redevelopment area, which includes a consideration and projection of the steps necessary for the elimination or rehabilitation of a redevelopment area and the protection of adjacent areas; and in the discretion of the city, consideration of administrative, funding, and financial details and proposals necessary to carry out the plan.

Redevelopment project or project means a project involving a redevelopment area as defined in this section, including undertakings and activities of the city in a project for the elimination and prevention of the development or spread of further conditions requiring redevelopment; such undertakings and activities may include, but are not limited to:

- (1) Acquisition of a parcel or area of real estate determined to be in need of redevelopment, or a portion thereof;
- (2) Demolition and removal of buildings and improvements;
- (3) Installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for the carrying out in the project of the objectives of this article;
- (4) Disposition of property acquired in the project;
- (5) Carrying out of plans for a program of voluntary repair and rehabilitation of buildings or other improvements in accordance with a redevelopment plan.

(Code 1968, § 8-98 Code 1996, § 22-366)

Cross reference(s)--Definitions generally, § 1-2.

Sec. 22-177. Powers of corporate authorities.

In carrying out a redevelopment plan, the corporate authorities of the city shall have the following powers, in addition to those powers provided for by law:

- (1) To approve all development and redevelopment proposals for any business or nonbusiness district.
- (2) To exercise the use of eminent domain for the acquisition of real and personal property for the purpose of a project.
- (3) To acquire, manage, convey or otherwise dispose of real and personal property acquired pursuant to the provisions of a redevelopment plan.
- (4) To apply for and accept capital grants and loans from the United States or the state, or any instrumentality of the United States or the state, for the redevelopment of the area in consideration.

- (5) To borrow funds as it may be deemed necessary for the purpose of redevelopment and, in this connection, to issue such obligation or revenue bonds as shall be necessary, subject to applicable statutory limitations, if any.
- (6) To enter into contracts with any public or private agency, entity, corporation or person.
- (7) To sell, lease, trade or improve such real property as may be acquired in connection with a redevelopment plan.
- (8) To employ all such persons as may be necessary for the planning, administration and implementation of the redevelopment plan.
- (9) To expend such public funds as may be necessary for the planning, execution and implementation of the redevelopment plan, including, but not limited to, planning consultants, architectural consultants, business consultants, legal consultants, real estate appraisers, bond counsel; costs of studies and surveys, plans and specifications, engineering, marketing, financial or special services; property assembly costs, including but not limited to acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, and the clearing or grading of land, costs of rehabilitation, reconstruction, repair, or remodeling of existing buildings and fixtures; costs of the construction of public works or improvements; financing costs, including but not limited to all necessary and incidental expenses related to the issuance of obligations and which may include payment of interest on any obligations issued under this article accruing during the estimated period of construction of any development project for which such obligations are issued; and securing repayment of all such costs.
- (10) To promulgate the provisions of this article pursuant to any specific ordinance pertaining to real estate designated to be within a redevelopment area.
- (11) To clear any area acquired by demolition or removal of existing buildings and structures.
- (12) To repair, renovate, rehabilitate, construct, or implement the elements of the redevelopment plan on, in, or about any structure, building, or real estate within a redevelopment area. If the redevelopment plan requires the owner of record of any structure, building, or real estate to repair, renovate, rehabilitate, construct or implement the elements of the redevelopment plan on, in, or about such structure, building, or real estate, the city shall advise the owner of record thereof in writing. If the owner of record fails or refuses to repair, renovate, rehabilitate, construct, or implement the elements of the development plan as directed by the city, the city, in its sole discretion, may proceed with any one or more of the following, in its sole discretion:
 - a. File a cause of action requesting the appropriate relief in any court of competent jurisdiction; or
 - b. Perform, or cause to be performed by an independent contractor, the repair, renovation, rehabilitation, construction, or implementation of the elements of the redevelopment plan on, in, or about the structure, building, or real estate within the redevelopment area; and in this event, the city shall have a lien for the costs for such services, labor, and/or materials upon such real estate. The enforcement of this lien shall be governed by the provisions of An Act

Relating to Contractors' and Materialmen's Liens, Known as Mechanics' Liens' (770 ILCS 60/0.01 et seq.).

- (13) To install, repair, construct, reconstruct or relocate streets, utilities and site improvements essential to the preparation of the development area for use in accordance with any redevelopment plan.
- (14) To fix, charge and collect fees, rents and charges for the use of any building or property owned or leased by the city or any part thereof or facility therein within a redevelopment project or area.
- (15) To accept grants, guarantees and donations of property, labor or other things of value from any public or private source for use within the redevelopment project area.
- (16) To acquire and construct public facilities within a redevelopment project area.
- (17) To incur redevelopment project costs.
- (18) To exercise any and all other powers necessary to effectuate and implement the purposes of this article.

(Code 1968, § 8-99 Code 1996, § 22-367)

Sec. 22-178. Determination to acquire redevelopment area.

The city may, by ordinance, determine that a particular area or parcel of real estate is in need of redevelopment and constitutes a redevelopment area, as provided for in this article. The city may, by ordinance, determine that all, or part, of the redevelopment area should be acquired, rehabilitated, and/or conserved and thereafter shall accurately describe the area included within the redevelopment project and so advise the owner of record, in writing, of this determination, and further so advise the owner of record whether the real estate is to be acquired by the city.

(Code 1968, § 8-100 Code 1996, § 22-368)

Sec. 22-179. Acquisition of real property.

The city may proceed to plan and undertake a redevelopment project and to acquire by gift, purchase, or condemnation the fee simple title to all or part of the real property lying within the area included within the project, including easements and reversionary interests in the streets, alleys, and other public places lying within the area. If any such real property is subject to an easement, the city, in its discretion, may acquire the fee simple title to such real property subject to such easement, if it determines that such easement will not interfere with the consummation of the redevelopment plan. If any such real property is already devoted to a public use, it may nevertheless be acquired. Condemnation proceedings instituted by the city shall be in all respects in the manner provided for the exercise of the right of eminent domain under article VII of the Code of Civil Procedure, as amended (735 ILCS 5/7-101 et seq.). The effective date of any ordinance authorizing acquisition of real property shall be effective immediately upon its passage and approval if the ordinance provides for an immediate effective date.

(Code 1968, § 8-101 Code 1996, § 22-369)

Sec. 22-370. Contracts for removal or renovation of buildings.

At any time prior or subsequent to the time the city acquires title to and possession of all or any part of the real property located within the redevelopment project, it may let contracts for the demolition, removal or renovation of buildings standing thereon and for the removal of any debris resulting therefrom. The city may, but need not, advertise for sealed bids for the doing of such work and may, but need not, let the contract to the lowest responsible bidder.

(Code 1968, § 8-102 Code 1996, § 22-370)

Sec. 22-181. Sale of real property within area of redevelopment project.

The city may, at such times as it deems expedient, either prior or subsequent to the time the city acquires title to any real estate within the redevelopment area, enter into a contract with any public or private agency, entity, corporation, or person pertaining to the lease or sale of the property. The city may, at such times as it deems expedient, also transfer and sell the fee simple title, or such lesser estate, as the city may have acquired or may hereafter acquire to all or any part of the real property within the area of a redevelopment project to any public or private agency, entity, corporation, or person pursuant to such terms and provisions as the city deems appropriate and in the best interests of its citizens. Specifically, the city need not advertise the proposed sale of real estate and need not solicit bids for the purchase of real estate.

(Code 1968, § 8-103 Code 1996, § 22-371)

Sec. 22-182. Plan for development or redevelopment of the project area.

Prior to making a sale or conveyance of any part or interest of the real estate within the area of a redevelopment project, the city shall prepare and approve a general plan for the development or redevelopment of the project area. The development or redevelopment of the project area shall, in general, conform to the provisions of the redevelopment plan and any other provisions and requirements provided for by ordinance of the city unless the city, in its sole discretion, otherwise determines by ordinance.

(Code 1968, § 8-104 Code 1996, § 22-372)

Sec. 22-183. Exclusive jurisdiction.

The city shall exercise all powers necessary to carry out the purposes of this article within the territorial limits of the city to the exclusion of any and all other governmental bodies, agencies, municipal corporations, county and political subdivisions of the state acting pursuant to any power provided for by law.

(Code 1968, § 8-105 Code 1996, § 22-373)

Secs. 22-184--22-199. Reserved.

**ARTICLE XIV.
DEMOLITION OF BUILDINGS**

Editor's note--Ordinance No. F-0197, § 1, repealed §§ 22-406--22-412 and added new §§ 22-406--22-414. Formerly, such sections pertained to similar provisions and derived from §§ 8-106--8-112 of the 1968 Code.

Cross reference(s)--Business licenses generally, § 26-31 et seq.

Sec. 22-200. Permit Required.

The demolition of any structure shall require a permit which has been reviewed and approved by the department of building and code enforcement in conformance with this article. Nothing contained within this article shall limit the authority of the director of building and code enforcement to order a structure demolished in a life or health threatening emergency situation or as may be otherwise authorized by state statute, other city ordinance, or common law.

(Ord. No. F-0197, § 1, 12-15-97 Code 1996, § 22-406)

Sec. 22-201. Definitions.

- (a) For the purposes of this article, the term "demolition" shall mean the razing and removal of all or substantially all of a structure.
- (b) For the purposes of this article the term "accessory structure" shall mean a structure which is subordinate to and serves a principle structure; is subordinate in area, extent and purpose to the principle structure; contributes or has contributed to the comfort, convenience or necessity of the principle structure, and is located on the same parcel of property as the principle structure.
- (c) For the purposes of this article the term "structure" shall mean any covered structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind, which is affixed to the land.
- (d) For the purposes of this article the term "principal structure" shall mean the building in which the principal or primary use on the lot is conducted.

(Ord. No. F-0197, § 1, 12-15-97 Code 1996, § 22-407)

Sec. 22-202. Application.

(a) Principal structure. In order to obtain a building demolition permit for the demolition of any principal structure, a permit application form must be completed and submitted to the director of building and code enforcement. The building demolition permit application must include the following information:

- (1) Location of property; legal description; legal owner of property.
- (2) Plat of survey for the property.

(3) Plan identifying structure(s) to be demolished.

(4) Specific plans for the reuse of the property if the demolition permit is approved. If the reuse plan contemplates construction of a structure, an application shall include building plans and specifications prepared in compliance with the provisions of this chapter for any structure to be built on the subject property. If commencement of construction of such structure is not planned to occur within 60 days after completion of demolition, then the application also shall include a detailed site restoration plan as provided in section 22-202(a)(5).

(5) Site restoration plans and specifications: If commencement of construction of a new structure is not planned to occur within 60 days after completion of demolition, then the application shall include a detailed site restoration and maintenance plan depicting all work required to restore the subject property, within 60 days after completion of demolition, to a safe, clean condition until construction of a new structure has commenced, including without limitation backfilling of any excavation, grading, seeding, fencing, storm water management, utility disconnections and the like.

(6) Stormwater management plans: In addition to all other required plans and specifications, the application shall include detailed plans and specifications for stormwater management, soil erosion control, and grading on the subject property. Such plans and specifications shall be on a drawing or drawings separate from all other plans and specifications, labeled as "Stormwater Management Plans." Such plans and specifications shall be made in conformance with the requirements of the city's storm water management ordinance.

(7) Names and addresses of those persons to whom tax bills were sent for the general taxes for the last preceding year on all real estate immediately adjacent to and across the street from the property on which the demolition is requested. The applicant shall file a sworn affidavit with the list of taxpayers certifying that the list is complete and accurate.

(8) The building and code enforcement department shall not consider any application for a principal structure unless the applicant furnishes all information required by this article.

(9) A tree preservation plan. A tree preservation plan shall be submitted which identifies all trees with a six-inch diameter or larger trunk located on the property. The plan shall identify any trees which would be removed in consequence of the demolition or reuse of the subject property and provide for their replacement in conformance with the Wheaton Zoning Ordinance.

(b) Accessory structure. Demolition permit applications for accessory structures must be submitted to the director of building and code enforcement. Demolition permit applications for accessory structures must be submitted along with information identified in section 22-202(a)(1) through (5), and (9).

(c) Interior demolition. Demolition permit applications for interior demolition (except single family structures) must include a description of the demolition work and a floor plan identifying the location demolition including any structural components scheduled for demolition.

Sec. 22-203. Hazardous structure.

Whenever the director of building and code enforcement, the city manager, or other city official designated to be in charge of enforcing the city's building code, determines that a residential, commercial, industrial, or other structure is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested ("hazardous structure") that it creates a serious hazard to the health and safety of the community, then that city official may placard the hazardous structure with a notice of demolition, repair or enclosure. The notice shall be dated as of the date of the posting and shall state that unless the hazardous structure is demolished, repaired, or enclosed, or unless any garbage, debris, and other hazardous, noxious, or unhealthy substances or materials ("hazardous materials") are removed so that the serious hazard to the health and safety of the community no longer exists, then the hazardous structure may be demolished, repaired, or enclosed, or any hazardous materials may be removed by the city. Such notice shall be posted on the front of the hazardous structure and must be at least two feet by two feet in size.

(a) Notice. Within 30 days of the posting of the notice of demolition, repair or enclosure, the city shall:

(1) Send a notice by certified mail, return receipt required, to all owners of record of the property, to the beneficial owners of any Illinois land trust having title to the property, and to all lienholders of record in the property, stating that it is the intent of the city to demolish, repair, or enclose the hazardous structure or remove any hazardous materials if that action is not taken by the owner or owners; and

(2) Provide constructive notice by publishing notice in a newspaper published or circulated in the city setting forth (i) the permanent tax index number and the address of the hazardous structure; (ii) a statement that the property constitutes a serious hazard to the health and safety of the community; and (iii) a statement that the city intends to demolish, repair, or enclose the hazardous structure or remove any hazardous materials if the owner or owners or lienholders of record fail to do so. This notice shall be published for three consecutive days.

(b) Objection. A person objecting to the proposed actions of the city may file his or her objection in an appropriate forum in the Eighteenth Judicial Circuit Court, Wheaton, Illinois.

(c) Demolition or remedial action. If the hazardous structure is not demolished, repaired, or enclosed, or if the hazardous materials are not removed within 30 days of mailing the notice to the owners of record, to the beneficial owners of any Illinois land trust having title to the property, and to all lienholders of record in the property, or within 30 days of the last day of publication of the notice, whichever is later, the city shall have the right and power, but not the obligation, to demolish, repair, or enclose the hazardous structure or to remove any hazardous materials.

The city may proceed to demolish, repair, or enclose a hazardous structure or remove any hazardous materials under this division anytime within a 90-day period following the date of the mailing of the notice. If any person seeks a judicial hearing and has served a copy of the complaint on the city before the city proceeds with the authorized actions set forth in this division, then the city shall not proceed with the demolition, repair, enclosure, of the

hazardous structure or removal of hazardous materials until the court issues an order authorizing the city to do so.

(d) **Lien.** Following the demolition, repair, or enclosure of a hazardous structure, or the hazardous materials under this ordinance, the city may file a notice of lien against the real estate for the cost of the demolition, repair, enclosure or removal within 180 days after the repair, demolition, enclosure, or removal occurred, for the cost and expense incurred, including attorney's and consultant fees, in the Office of the DuPage County Recorder of Deeds.

The notice of lien shall consist of a sworn statement setting forth (i) a description of the real estate such as the address or other description of the property, sufficient for its identification; (ii) the expenses incurred by the city in undertaking the remedial actions authorized under this division; (iii) the dates the expenses were incurred by the city; (iv) a statement by the city official responsible for enforcing the building code that the structure constituted a serious hazard to the health and safety of the community; (v) a statement by the city official that the required sign was posted on the structure, that notice was sent by certified mail to the owners of record, and that constructive notice was published in accordance with this division; and (vi) a statement as to when and where the notice was published.

(Ord. No. F-0197, § 1, 12-15-97 Code 1996, § 22-409)

Sec. 22-204. Emergency demolition.

(a) **Immediate danger.** Where the director of building and code enforcement, the city manager or other city official designated to be in charge of enforcing the city's building code determines that a residential, commercial or industrial structure has been so damaged by a catastrophic event as to constitute an immediate danger or threat to persons or adjacent properties, and further determines that it would be impractical to enclose the structure itself to eliminate the immediate danger or threat, city official shall placard the structure with either a notice of perimeter enclosure or demolition and undertake reasonable steps to promptly notify the owner of the necessity of the erection of a perimeter enclosure or demolition a perimeter enclosure shall mean the erection of a cyclone or similar fence on the lot on which the damaged structure is located which is of sufficient strength, permanency and location to stop the entry of unauthorized persons to the lot and/or the structure pending further action. If the owner cannot be found, or refuses to erect the perimeter enclosure so as to eliminate the immediate danger or threat to persons or adjacent properties or cannot be found within a reasonable period of time due to the nature of the danger or threat the city official shall have the right and power, but not the obligation, to eliminate the immediate danger or threat by erecting a perimeter enclosure as described by this division or if such perimeter enclosure is not adequate to respond to the eminent danger or threat to persons or adjacent properties the city official may demolish the structure. If any person seeks a judicial hearing and has served a copy of the complaint on this city before the city proceeds with authorized actions set forth in this section then the city shall not proceed with the secure perimeter enclosure or demolition until a court issues an order that authorizes the city to do so.

(b) **Lien.** Following the erection of perimeter enclosure or demolition the city may file a notice of lien against the real estate for the cost of the erection of the perimeter enclosure or demolition within 180 days after the erection of the perimeter enclosure or demolition of the

structure for any and all costs and expenses incurred by the city attorneys and consultants fees in the office of the DuPage County Recorder of Deeds.

The notice of lien shall consist of a sworn statement setting forth (i) a description of the real estate such as the address or other description of the property, sufficient for its identification; (ii) the expenses incurred by the city in undertaking the remedial actions authorized under this division; (iii) the dates the expenses were incurred by the city; (iv) a statement by the city official responsible for enforcing the building code that the structure constituted an eminent danger or threat to persons or adjacent properties; (v) a statement by the city official that the required sign was posted on this structure and a description of service of the notice or the attempts to serve notice upon the owners.

(Ord. No. F-0197, § 1, 12-15-97 Code 1996, § 22-410)

Sec. 22-205. Procedures for permit approval.

(a) Application review. The building and code enforcement department will be responsible for the processing and review of any building demolition permit application. As part of the review process, an inspection of the property may be performed by the building and code enforcement department.

(b) Notification. Within five working days of receipt of a complete building demolition permit application for a principal structure, the building and code enforcement department shall notify the owners of the real estate immediately adjacent to and across the property which is the subject of the demolition of the application. A general on sign shall be placed on the subject property by the city.

(c) Permit issuance. The building and code enforcement department shall not issue a permit for a principle structure less than 30 [days] from the receipt of the structure demolition permit application.

(d) Other application processing. The demolition of a principal and/or accessory structure may also be processed as part of an annexation, subdivision, zoning, or special use permit application. Any such application which includes the proposed demolition of a structure must include the permit application information referenced in section 22-202.

(Ord. No. F-0197, § 1, 12-15-97 Code 1996, § 22-411)

Sec. 22-206. Review standards, requirements.

(a) General standards. The building and code enforcement department will review all building demolition permit applications in accordance with this article and the ordinances of the city, together with the following standards:

(1) The granting of a permit shall not be detrimental to the public health, safety, and general welfare of the community.

(2) Adequate utilities, accessways, drainage, and other necessary facilities must be provided in order for a permit to be granted.

(3) The granting of the permit should promote the policies contained in the city's comprehensive plan, and the use of the subject property should be consistent with the designated comprehensive plan land use.

(4) Any new structure or use to be constructed on the subject property must conform to the applicable requirements of this Code and the City Zoning Ordinance, except as may be varied in accordance with zoning ordinance regulations.

The building and code enforcement department may also impose such conditions and restrictions upon the issuance of the permit as may be necessary in order to comply with the standards recited in this article.

(b) General requirements. If a building demolition permit application is approved by the building and code enforcement department, any demolition which takes place must be done in accordance with the provisions of the ICC International Building Code in force at the time, and any additional requirements or conditions as placed on the applicant by the building and code enforcement department. The applicant will also be required to provide proof of disconnection of utilities.

(c) IEPA approval. If the application includes demolition of a principal structure and if the Illinois Environmental Protection Agency (the "IEPA") has promulgated regulations applicable to such demolitions, then the application shall include a certificate or letter of approval of the proposed work by the IEPA or a letter from the IEPA stating that IEPA approval is not required.

(d) Particulate control. Airborne particles shall be controlled at the subject property at all times during the work by thoroughly saturating all portions of the structure and areas surrounding the structure with water. Such spraying shall be undertaken at all times necessary to thoroughly control the creation and migration of airborne particles, including, without limitation, dust from the subject property during the demolition and removal of material from the subject property. The water source for control of airborne particles shall be either a water tanker truck with a pump capacity of 100 gallons per minute at the nozzle or a hydrant connection to the city's water system. The water shall be delivered from the water source to the subject property by a hose with a minimum diameter of one and one-half inches when on the subject property.

(e) Safety fencing. The applicant shall cause safety fence to be installed around the perimeter of the subject property, in a location and manner approved by the director of building and code enforcement.

(f) Restoration. If construction of a new structure has not commenced within 60 days of demolition, the applicant shall immediately restore the subject property to a safe, clean condition until construction of a new structure has commenced. Restoration of the subject property shall include without limitation backfilling of any excavation, grading, seeding, fencing, stormwater management, utility disconnections and the like.

(g) Demolition bond. The applicant shall post with the city, at time of issuance of permit for the demolition of a principal structure, a cash demolition bond or a letter of credit in the form as attached as Exhibit A to Ordinance Number F-0197 and incorporated herewith, in the amount of three percent of the cost of demolition or \$5,000.00 whichever is greater. Such

bond shall be in addition to all other application and processing fees, costs, escrows, bonds, and performance securities required by codes or ordinances of the city.

(1) The city shall have the right at all times, at its option, to draw on the cash demolition bond for the costs, including legal fees and administrative expenses, incurred or to be incurred by the city in exercising any of its rights under this article in the event the applicant undertakes any work in violation of any provisions of this article or of any permit issued or plan approved pursuant to this article, or the applicant fails or refuses to complete any work authorized by any permit issued under this article in accordance with all plans approved in connection with said permit.

(2) Replenishment of bond. If the city draws on the bond, then the applicant shall replenish the bond to the full amount required by this subsection (g) immediately after demand therefor is made to the applicant in writing by the city. Any failure of the applicant to replenish the bond shall result in cancellation of the related permit, which permit shall not be reissued thereafter except after the filing of a new application therefor, payment of the permit fee, and establishment of a new bond.

(3) Return of unused bond. The city shall return any unused portion of the bond to the applicant, without interest, as follows:

a. If the permit authorizes only demolition work, and no construction work is scheduled to take place within 30 days after completion of demolition, then the city shall return the bond within 30 days after final inspection of the restoration of the subject property and approval of the work by the director of building and code enforcement department.

b. If the permit authorizes any work in addition to demolition work, then the city shall return the money within 30 days after issuance of a final certificate of occupancy.

(Ord. No. F-0197, § 1, 12-15-97; Ord. No. F-0935, § 1, 8-16-04 Code 1996, § 22-412)

Sec. 22-207. Fees.

A nonrefundable fee in accordance with Appendix B of this Code shall be required for a building demolition permit, and the fee must be submitted with the building demolition permit application required by section 22-202. The permit fee for a demolition permit not involving a principal structure shall be in accordance with Appendix B of this Code. Permit fees as required by other codes and ordinances of the city may also be required.

(Ord. No. F-0197, § 1, 12-15-97; Ord. No. F-0879, § 3, 1-20-04 Code 1996, § 22-413)

Sec. 22-208. Penalty for violation of article.

If any structure is demolished without the owner of the subject property complying with this article:

(1) The owner of the subject property shall be subject to a fine of not less than \$1,000.00 or more than \$5,000.00; and

(2) No building permit shall be issued for the construction of any improvement on the subject property until the owner thereof complies with all of the provisions of this article.

(Ord. No. F-0197, § 1, 12-15-97 Code 1996, § 22-414)