

ORDINANCE NO. F-1774

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WHEATON- CHAPTER 22 - BUILDINGS AND BUILDING REGULATIONS AND CHAPTER 42 – OFFENSES & MISCELLANEOUS PROVISIONS, ARTICLE I – IN GENERAL, SECTION 42-28, FIREWORKS

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: Chapter 22 Buildings and Building Regulations, Articles III Building Code, IV Residential Code, V Electrical Code, VI Mechanical Code, VII Fuel Gas Code, VIII Energy Conservation Code, IX Plumbing Code, X Fire Code, and XI Property Maintenance Code are hereby amended by deleting in their entirety and replacing with Exhibit A, attached hereto and made a part hereof.

Section 2: Chapter 22, Article I, Section 22-3, Violations; Penalties is hereby amended by deleting in its entirety and replacing it with the following:

“Sec. 22-3. Violations; penalties.

- (a) Any person who violates or fails to comply with any provision of the codes adopted or amended in Chapter 22 *Buildings and Building Regulations* or any directive of the director of building and code enforcement of the City or of any permit, or certificate issued under the provisions of such codes shall be guilty of an offense punishable by a fine. Any architect, builder, contractor, or engineer hired or retained by an owner of property to perform any work requiring a permit under any provision of this chapter

shall be responsible for obtaining the applicable permit(s) or notifying the owner in writing of the necessity of obtaining the permit(s). This shall not relieve an owner from the duty to ensure that permits have been issued. Each day that violations continue shall be deemed a separate offense.

(b) Upon conviction for a violation of the provisions contained in this Chapter, the court, shall:

- a. In the case of property owners, impose a fine not less than \$100.00 or more than \$300.00 in the case of a first offense and a fine not less than \$200.00 or more than \$750.00 for each and every subsequent offense.
- b. In the case of architects, builders, contractors, or engineers impose a fine not less than \$250.00 and not more than \$1,000.00 for each day that he/she is in violation of this section.

(c) All other provisions of this Code pertaining to an owner's obligation to obtain permits shall remain in full force and effect.

(d) In addition to the penalties set forth herein, all such persons shall correct or remedy such violations within a reasonable time. The imposition of a penalty for any violation shall not excuse the violation or permit it to continue."

Section 3: Chapter 22, Article I Section 22-12 Board/Means of Appeal is hereby amended by deleting Subsection A General in its entirety and replacing it with the following:

"A) General

The Code Official is hereby authorized and directed to enforce the provisions of the ICC Building Code, Residential Code, Electrical Code, Mechanical Code, Fuel Gas Code, Energy Conservation Code, Plumbing Code, Fire Code, and Property Maintenance Code 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."

Section 4: Chapter 42, Article I, Section 42-28 Fireworks is hereby amended by deleting in its entirety and replacing it with the following:

" Sec. 42-28. Fireworks.

(a) 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:

Fireworks shall mean and include any explosive composition, or substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect of a temporary exhibitional nature by explosion, combustion, deflagration or detonation, and shall include blank cartridges, toy cannons in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, bombs or other fireworks of like construction and any fireworks containing any explosive compound, or any tablets or other device containing any explosive substance, or containing combustible substances producing visual effects; however, the term "fireworks" shall not include snake or glow worm

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pellets; smoke devices; trick noisemakers known as "party poppers," "booby traps," "snappers," "trick matches," "cigarette loads," and "auto burglar alarms;" sparklers, toy pistols, toy canes, toy guns or other devices in which paper or plastic caps containing .25 grain or less of explosive compound are used, provided they are so constructed that the hand cannot come into contact with the cap when in place for the explosion; and toy pistol paper or plastic caps which contain less than .25 grain of explosive mixture; the sale and use of which shall be permitted at all times.

(b) Except as hereinafter provided, it shall be unlawful for any person to offer for sale, sell at retail or possess any fireworks within the city.

(c) Permit Applications

- a. Public exhibitions of fireworks may be given if a permit is granted by the city council. Such exhibitions shall be given subject to the supervision of the fire chief or some person designated by him.
- b. Applications for a permit to exhibit fireworks shall be made in writing at least 30 days in advance of the date of the date of the display. The fee for such permit shall be in accordance with Appendix B of this code if such privilege shall be granted. The sale, possession, use and distribution of fireworks for such display shall be lawful for the purpose stated in this article only. No permit granted hereunder shall be transferable.
- c. State law reference(s)—Additional guidelines for permitting pyrotechnic displays, 425 ILCS 35/2.1.

(d) Liability Insurance

- a. Each person applying for a permit must 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 the law for damages because of bodily injury, sickness or disease, and/or death, at any time resulting therefrom, 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
- b. insurance shall be written by an insurance carrier authorized to conduct such business in the state.
- c. The insurance policy required by this article shall be written for at least the following minimum coverage:
 - i. 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.
 - ii. 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.
 - iii. 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.

(e) Violations

- a. 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."

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.

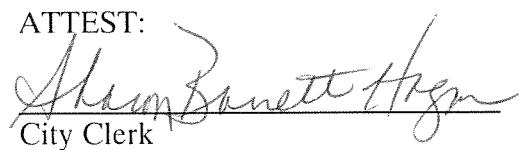
Section 6: That if any part or portion of this ordinance shall be declared invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of this ordinance.

Section 7: Upon its approval and passage, this ordinance shall become effective June 1, 2014, and the City Clerk shall publish in pamphlet form in the manner provided by law.


Michael Gresk

Mayor

ATTEST:


Alan Bennett Hogan

City Clerk

Ayes:

Roll Call Vote:

Councilman Rutledge
Councilman Saline
Mayor Gresk
Councilwoman Pacino Sanguinetti
Councilman Scalzo
Councilman Suess
Councilman Prendiville

Nays:

None

Absent:

None

Motion Carried Unanimously

Passed: April 21, 2014
Published: April 22, 2014

EXHIBIT A

ARTICLE III. BUILDING CODE

Sec. 22-30. Adoption.

The **ICC International Building Code/2012 with referenced standards and Appendix I and K**, 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/2012 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. (new ordinance #), or as provided by law.

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

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

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

Fees shall be paid in accordance with the Wheaton City Code Appendix B Fee Schedule.

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

Fees shall be paid in accordance with the Wheaton City Code Appendix B Fee Schedule.

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

Any references to the Board/Means of Appeal shall comply with Wheaton City Code Chapter 22 Article I Section 12 Means/Board of Appeals.

Section 114.4 *Violation penalties*. Change to read:

See Wheaton City Code Chapter 22 Article I Section 3 Violations; Penalties.

Section 501.2 *Address identification*. Change to read:

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

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

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

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

The fire area exceeds 5,000 square feet.

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

The fire area exceeds 5,000 square feet.

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

The fire area exceeds 5,000 square feet.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Add the following section:

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

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

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

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

Add the following sections:

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

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

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

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

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

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

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

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

DuPage County, Illinois and Incorporated Areas dated March 2007

Add the following section:

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

Section 3412.2 *Applicability.* Change to read:

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

Add the following section:

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

Appendix I, Patio Covers, Section I101.1 *General.* Change to read:

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

Secs. 22-33 – 22-39. Reserved.

ARTICLE IV.
RESIDENTIAL CODE

Sec. 22-40. Adoption.

The **ICC International Residential Code/2012 with referenced standards and Appendices A, B, C, G, H, J, and O**, as published by the International Code Council, Inc., together with the additions, insertions, deletions and changes prescribed in this article, is hereby adopted by reference and made a part of this article, the same as if fully set forth herein, as the standards, rules and regulations for the design, construction, alteration, repair, use and maintenance of buildings and structural appurtenances in the city.

All new residential construction shall include passive resistant radon construction as provided for by State of Illinois Public Act 97-0953.

(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/2012, 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. (new ordinance #), or as provided by law.

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

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

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

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

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

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

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

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

Add the following section:

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

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

Submittal documents consisting of construction documents and other data shall be submitted in two or more sets with each application for a permit. The construction documents shall be prepared, signed, and sealed by a registered Illinois Design Professional for all new detached one- and two-family dwellings, townhomes not exceeding three stories, residential additions exceeding 500 square feet in total area, and all 2nd story additions. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Section R112 *Board/Means of appeals*. Change to read:

Any references to the Board/Means of Appeal shall comply with Wheaton City Code Chapter 22 Article I Section 12 Means/Board of Appeals.

Section R113.4 *Violation penalties*. Change to read:

See Wheaton City Code Chapter 22 Article I Section 3 Violations; Penalties.

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

Ground Snow Load	25 psf
Wind Speed	3 second 90 normal 75
Seismic Design Category	A
Weathering	Severe
Frost line depth	42 inches
Termite	Moderate to heavy
Winter Design Temperature	-4 degrees F
Ice Shield Underlayment	Yes
Flood Hazard	June 15, 1979
Air Freezing Index	2000
Mean Annual Temperature	49.4 degrees F

Table R302.6 *Dwelling/garage fire separation*. Add the following row:

Separation: Garages located less than 10 feet from a dwelling on the same lot

Material: Not less than $\frac{1}{2}$ -inch gypsum board or equivalent applied to all walls and ceilings

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

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

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

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

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

Section R315.1 *Carbon monoxide alarms*. Change to read:

For new construction, an approved carbon monoxide alarm shall be installed outside and within 15 feet of each separate sleeping area in the immediate vicinity of the bedrooms in dwelling units within which fuel-fired appliances are installed and in dwelling units that have attached garages.

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

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

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

All address identification shall comply with Wheaton City Code Chapter 22 Article I Section 10 Premises Identification.

Add the following Section.

Section R312.6 *Heat Detectors*. Heat Detectors are required to be installed in any integral garage or attached garage. The heat detector shall receive primary power from the building wiring, and when primary power is interrupted, shall receive power from a battery. The heat detector shall be interconnected with the smoke alarm system in such a manner that activation of one alarm will activate all of the alarms in the individual unit.

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

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

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

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

Protection of freestanding accessory structures with an area of 400 square feet or less, of light-frame construction, with an eave height of 10 feet or less shall not be required.

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

Add the following sections:

R502.2.2 *Anchoring* The minimum size bolt for all connections where bolts are installed shall not be less than $\frac{1}{2}$ inch in diameter. Where a ledger board is anchored to the building, two bolts shall be installed at the ends of each member and thereafter at a staggered spacing not to exceed 24-inches on center.

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

Add the following section:

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

Appendix G, Swimming Pools, Spas and Hot Tubs, Section AG102 *Definitions*. Change the following definitions to read:

24.2
SWIMMING POOL. Any structure intended for swimming or recreational bathing that is capable of containing water to a depth of 24 inches or more. This includes in-ground, above-ground and on-ground swimming pools, hot tubes and spas.

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

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

Secs. 22-43 – 22-49. Reserved.

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ARTICLE V. ELECTRICAL CODES

Sec. 22-50. Adoption.

The **NFPA 70 National Electrical Code/2011**, prepared by the National Electrical Code Committee and acted on by the National Fire Protection Association, Inc., and the **ICC International Building Code/2012, Appendix K**, as published by the International Code Council Inc., together with the additions, insertions, deletions and changes prescribed in this article, are hereby adopted by reference and is made a part of this article as if fully set forth herein as the standards, rules and regulations for the design, construction, alteration, repair, use and maintenance of buildings and structural appurtenances in the city.

Sec. 22-51. Amendments.

(a) The additions, insertions, deletions and changes set out in this section are hereby made to the NFPA 70 National Electrical Code/2011 and the ICC International Building Code/2012, Appendix K adopted in section 22-50.

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

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

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

(e) Any reference in the electrical provisions to the date or time at which the provisions of such code became applicable shall mean the adopted date, which shall be the effective date of Ordinance No. (new ordinance #), or as provided by law.

(f) The following sections or subsections of the NFPA 70 National Electrical Code/2011 are amended as indicated:

Add the following section:

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

Section 230.70 *General (Service equipment – Disconnecting means), (A) Location, (1) Readily accessible location.* Change 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 310.106 *Conductors, (B) Conductor material*. Add the following:

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

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

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

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

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

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

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

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

Only for repair of existing systems.

(g) The following sections or subsections of the ICC International Building Code/2012, Appendix K, Section K111: Electrical Provisions are amended as indicated:

RESERVED.

Secs. 22-52 – 22-59. Reserved.

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ARTICLE VI. MECHANICAL CODE

Sec. 22-60. Adoption.

The **ICC International Mechanical Code/2012** (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.

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/2012 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. (new ordinance #), or as provided by law.
- (g) The following sections or subsections of the mechanical code are amended as indicated:

Section 106.5.2 *Fee schedule*. Insert the following:

Wheaton City Code Appendix B Fee Schedule.

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

Section 108.4 *Violation penalties*. Change to read:

See Wheaton City Code Chapter 22 Article I Section 3 Violations; Penalties.

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

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

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

Any references to the Board/Means of Appeal shall comply with Wheaton City Code Chapter 22 Article I Section 12 Means/Board of Appeals.

Add the following section:

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

Secs. 22-62 – 22-69. Reserved.

ARTICLE VII. FUEL GAS CODE

Sec. 22-70. Adoption.

The ICC International Fuel Gas Code/2012 with referenced standards and Appendices A, B, and C, as published by the International Code Council, Inc., together with the additions, insertions, deletions and changes prescribed in this article, is hereby adopted by reference and made a part of this article the same as if fully set forth herein as the standards, rules and regulations for the design, construction, alteration, repair, use and maintenance of buildings and structural appurtenances in the city.

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/2012 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. (new ordinance #), or as provided by law.
- (g) The following sections or subsections of the fuel gas code are amended as indicated:

Section 106.6.2 *Fees*. Insert the following:

Wheaton City Code Appendix B Fee Schedule.

Section 108.4 *Violation penalties*. Change to read:

See Wheaton City Code Chapter 22 Article I Section 3 Violations; Penalties.

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

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

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

Any references to the Board/Means of Appeal shall comply with Wheaton City Code Chapter 22 Article I Section 12 Means/Board of Appeals.

Secs. 22-72 – 22-79. Reserved.

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ARTICLE VIII. ENERGY CONSERVATION CODE

Sec. 22-80. Adoption.

The **International Energy Conservation Code/2012**, as mandated by the State of Illinois's Energy Efficient Building Act (20 ILCS 3125), and any amendments thereto, or subsequent edition thereof, 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, repair, use, and maintenance of buildings and structural appurtenances in the city.

Sec. 22-81. Amendments.

(a) The insertions, deletions, additions and amendments set out in this section are hereby made to the ICC International Energy Conservation Code/2012 adopted in section 22-80.

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

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

(d) Any reference in the energy code to the "chief appointing authority" shall mean the city manager or the city council, as prescribed by law.

(e) Any reference in the energy 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. (new ordinance #), or as provided by law.

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

Section C107 *Fees*. Change to read:

Fees shall be paid in accordance with the Wheaton City Code Appendix B Fee Schedule.

Section C108.4 *Failure to comply*. Insert the following:

\$100 and \$300, respectively.

Section C109 *Board of appeals*. Change to read:

Any references to the Board/Means of Appeal shall comply with Wheaton City Code Chapter 22 Article I General Section 12 Means/Board of Appeals.

Secs. 22-82 – 22-89. Reserved.

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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 Wheaton City Code Appendix B Fee Schedule.

(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 Wheaton City Code Chapter 22 Article I Section 3 Violations; Penalties.

(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

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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 CODES**

Sec. 22-110. Adoption.

The **ICC International Plumbing Code/2012 with referenced standards and Appendices B, C, D, and F**, as published by the International Code Council, Inc., and the **Illinois State Plumbing Code**, current edition, issued by the Illinois Department of Public Health, together with the additions, insertions, deletions and changes prescribed in this article, is hereby adopted by reference and made a part of this article, 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.

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

Sec. 22-111. Amendments.

(a) The additions, insertions, deletions and changes set out in this section are hereby made to the ICC International Residential Code/2012 and Illinois State Plumbing Code, as adopted in section 22-110.

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

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

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

(e) Any reference in the plumbing code to the "Department of Building Safety" shall mean the department of building and code enforcement of the city.

(f) Any reference in the plumbing code to the date or time at which the provisions of such code became applicable shall mean the adopted date, which shall be the effective date of Ordinance No. (new ordinance #), or as provided by law.

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

(h) The following sections or subsections of the International Plumbing Code are amended as indicated:

Section 106.6 *Fees*. Change to read:

Fees shall be paid in accordance with the Wheaton City Code Appendix B Fee Schedule.

Section 108 *Violation Penalties*. Change to read:

See Wheaton City Code Chapter 22 Article I Section 3 Violations; Penalties.

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

Any references to the Means/Board of Appeal shall comply with Wheaton City Code Chapter 22 Article I Section 12 Means/Board of Appeals.

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

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

Water Service Pipe Sizing. The water service pipe from the street main (including the tap) to the water distribution system for the building shall be sized in accordance with Appendix A, Tables M, N, O, P, and Q. Water service pipe and fittings shall be at least 1 (one) inch diameter. If flushometers or other devices requiring a high rate of water flow are used, the water service pipe shall be designed and installed to provide this additional flow.

Section 890.APPENDIX A, Table A, *Approved Materials for Water Service Pipe*. Change to read:

Piping for water service lines 2 inches or smaller in diameter shall be copper/copper alloy tubing (ASTM B 88-1996) and for piping for water service lines 2 $\frac{1}{2}$ inches or greater in diameter shall be cast iron/ductile iron (ASTM A 377-1984).

Secs. 22-112 – 22-119. Reserved.

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.

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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 CODE

Sec. 22-125. Adoption.

The **ICC International Fire Code/2012 with referenced standards and Appendices E, F, and G**, as published by the International Code Council, Inc., together with additions, insertions, deletions and changes prescribed in this article, is hereby adopted by reference and made a part of this article, the same as if fully set forth herein, as the standards, rules and regulations governing the safeguarding of life and property from fire and explosion hazards arising from the

storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided.

Sec. 22-126. Amendments.

(a) The additions, insertions, deletions and changes set out in this section are hereby made to the ICC International Fire Code/2012 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. (new ordinance #), or as provided by law.

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

Section 104.6.2 *Inspections*. Change to read:

The fire code official shall keep a record of each inspection made prior to the certificate of use and occupancy being issued including notices and orders issued, showing the findings and disposition of each. The chief of the 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*. Change to read:

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

Section 104.10 *Fire investigations*. Change to read:

The chief of the Wheaton Fire Department or his authorized representative, the fire department, or other responsible authority shall have the authority to investigate the

cause, origin and circumstances of any fire, explosion or other hazardous condition. Information that could be related to trade secrets or processes shall not be made part of the public record, except as directed by a court of law.

Section 108 *Board of appeals*. Change to read:

Any references to the Board/Means of Appeal shall comply with Wheaton City Code Chapter 22 Article I Section 12 Means/Board of Appeals.

Section 109.4 *Violation penalties*. Change to read:

See Wheaton City Code Chapter 22 Article I Section 3 Violations; Penalties.

Section 111.4 *Failure to comply*. Change to read:

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

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

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

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

Open burning and recreational fires shall be in accordance with Wheaton City Code Chapter 54 Article IV Section 113 Open Burning.

Section 505.1 *Address identification*. Change to read:

All premises identification shall comply with Wheaton City Code Chapter 22 Article I Section 10 Premises Identification.

Section 509.1 *Identification*. Add the following:

The door to the valve room shall be provided with approved signage and shall read "sprinkler control valves" or similar. Letters and numbers shall contrast with the background and shall be a minimum of four inches in height with $\frac{1}{2}$ inch stroke.

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

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

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

The fire area exceeds 5,000 square feet.

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

The fire area exceeds 5,000 square feet.

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

The fire area exceeds 5,000 square feet.

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

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

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

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

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

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

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

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

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

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

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

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

Add the following section:

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

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

Section 903.4.1 *Monitoring*. Change to read:

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



Add the following sections:

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

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

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

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

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



Section 1103.5 *Sprinkler systems*. Change to read:

An automatic sprinkler system shall be provided in existing buildings in accordance with Sections 1103.5.1 through 1103.5.3.

Add the following section:

Section 1103.5.3 *When construction is proposed*. An approved automatic sprinkler system shall be provided in existing buildings in accordance with Section 903 when the cost of proposed construction (i.e. alterations and additions) in any given year (12-month period) is at least 50 percent of the value of the building. The value of the building or structure (excluding land) shall be established by the Milton Township Assessors' assessment records for the year prior to the initial remodeling or reconstruction. Owners of tax-exempt properties shall produce documentation verifying the building's valuation, which will be subject to the review and approval of the building code official.



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

An approved fire alarm system shall be installed in existing buildings and structures in accordance with Sections 1103.7.1 through 1103.7.8 and provide occupant notification in accordance with Section 907.5 unless other requirements are provided by other sections of this code.

Add the following section:

Section 1103.7.8 *When construction is proposed*. An approved fire alarm system shall be installed in existing buildings and structures in accordance with Section 907 when the cost of proposed construction (i.e. alterations and additions) in any given year (12-month period) is at least 25 percent of the value of the building. The value of the building or structure (excluding land) shall be established by the Milton Township Assessors' assessment records for the year prior to the initial remodeling or reconstruction. Owners of tax-exempt properties shall produce documentation verifying the building's valuation, which will be subject to the review and approval of the building code official.

Add the following section:

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

Section 5504.3 *Outdoor storage*. Change to read:

The outdoor storage of cryogenic fluids shall be prohibited.

Section 5601.2.4 *Financial responsibility*. Change to read:

See Wheaton City Code Chapter 42 Article I Section 28 Fireworks.

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

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

1. Fuel oil storage tanks for central heating systems which are existing and in use as of September 4, 1990.
2. Permanently mounted for permanently installed back-up power generators and pumps.

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- 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.

Secs. 22-127 – 22-129. Reserved.

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ARTICLE XI. PROPERTY MAINTENANCE CODE

Cross reference(s)—Housing commission, § 2-411 et seq., Public Safety (430 ILCS 75/) Boiler and Pressure Vessel Safety Act.

Sec. 22-130. Adoption.

The **ICC International Property Maintenance Code/2012**, 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/2012 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. (new ordinance #), or as provided by law.

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

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

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

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

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

Fees shall be paid in accordance with the Wheaton City Code Appendix B Fee Schedule.

Section 106.4 *Violation penalties*. Change to read:

See Wheaton City Code Chapter 22 Article I Section 3 Violations; Penalties.

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

Section 110 *Demolition*. Change to read:

See Wheaton City Code Chapter 22 Article XIV Demolition of Buildings.

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

Any references to the Board/Means of Appeal shall comply with the Wheaton City Code Chapter 22 Article I Section 12 Means/Board of Appeals.

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

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

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

Section 302.1 *Sanitation*. Change to read:

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

Section 302.4 *Weeds*. Change to read:

See Wheaton City Code Chapter 78 Article IV Weeds.

Section 302.8 *Motor vehicles*. Change to read:

See Wheaton City Code Chapter 70 Article IX Abandoned and Inoperable Vehicles.

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

See Wheaton City Code Chapter 42 Article I Section 7 Defacing Advertisements or Notices and Section 22 Graffiti.

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

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

Section 304.3 *Premises identification*. Change to read:

All address identification shall comply with Wheaton City Code Chapter 22 Article I Section 10 Premises Identification.

Section 304.6 *Exterior walls*. Add the following:

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

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

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions, including, but not limited to, leaves and vegetative growth. Roof water shall not be discharged in a manner that creates a public nuisance.

Section 304.14 *Insect screens*. Change to read:

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

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Section 305.3 *Interior surfaces*. Change to read:

All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected. Surfaces shall have not signs of chronic or persistent excessive moisture. Materials discolored or deteriorated by water damage shall be cleaned, dried or otherwise repaired and the underlying cause shall be corrected.

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

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

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

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

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

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

Section 309.4 *Multiple occupancy*. Change to read:

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

Section 602.2 *Residential occupancies*. Change to read:

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees F (20 degrees C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature of -4 degrees F (-20 degrees C). Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

Section 602.3 *Heat supply*. Insert the following:

September 15 and June 1.

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

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

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

September 15 and June 1.

Add the following section:

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

Add the following section:

Section 608 *Requirement to display certificate*.

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

608.2 *Certificate of inspection*. All boilers including water heaters that exceed 200,000btu/hr input and located in commercial establishments or multi-family dwellings with 6 or more units are required to have a valid Certificate of Inspection issued by the Illinois State Fire Marshal.

608.3 *Pressure vessels*. Pressure Vessels that exceed 15 cubic feet and operate greater than 15 p.s.i. also require a Certificate of Inspection.

Secs. 22-132 – 22-139. Reserved.

