

**ORDINANCE NO. O-2025-04**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WHEATON – CHAPTER 22 – BUILDINGS AND BUILDING REGULATIONS AND APPENDIX B – FEE SCHEDULE**

**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 Mayor and City Council and City Staff 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 (“ICC”) and the National Electrical Code Correlating Committee and Code-Making Panels have developed and created certain model code regulations, known as the ICC International Codes and National Electrical Code (“NEC”) NFPA 70 Standards respectively, intended for adoption and use by jurisdictions internationally, which safeguard public health and safety; and

**WHEREAS**, the City has carefully evaluated the 2024 ICC International model codes and the 2023 NEC NFPA 70 Standards with amendments 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 by its home rule authority, that the Wheaton City Code is hereby amended to provide as follows:

**SECTION 1:** That Chapter 22, Buildings and Building Regulations is hereby repealed and rescinded in its entirety and replaced with Chapter 22, Buildings and Building Regulations, as set forth in Exhibit A, attached hereto and made a part hereof.

**SECTION 2:** That Appendix B – Fee Schedule, B-7 Community Development Fees (Building, Engineering and Planning Depts.), (A) Building and code enforcement department, 1. Building, plan review, permit and inspection fees is hereby repealed and rescinded in its entirety and replaced with Appendix B – Fee Schedule, B-7 Community Development Fees (Building, Engineering and Planning Depts.), (A) Building and code enforcement department, 1. Building, plan review, permit and inspection fees, as set forth in Exhibit B, attached hereto and made a part hereof.

**SECTION 3:** All ordinances or parts of ordinances in conflict with these provisions are hereby repealed.

**SECTION 4:** In the event that any section, clause, provision, or part of this ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

**SECTION 5:** This ordinance shall become effective from and after its passage, approval, and publication in the manner prescribed by law and the amendments set forth in Exhibit A and Exhibit B shall become effective **March 1, 2025**.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

Ayes:

**Roll Call Vote:**

Councilman Brown  
Mayor Suess  
Councilman Clousing  
Councilwoman Robbins  
Councilman Weller  
Councilman Barbier  
Councilwoman Bray-Parker

Nays:

None

Absent:

None

Motion Carried Unanimously

Passed: February 3, 2025

Published: February 4, 2025

## Chapter 22

### BUILDINGS AND BUILDING REGULATIONS<sup>1</sup>

#### ARTICLE I. IN GENERAL<sup>2</sup>

##### **Sec. 22-1. Appendices and advisory notes to adopted technical codes.**

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

(Ord. No. O-2020-05, § 1, 2-3-20)

##### **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.

(Ord. No. O-2020-05, § 1, 2-3-20)

State law reference(s)—Similar provisions, 50 ILCS 220/2.

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

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

<sup>2</sup>Ord. No. O-2020-05, § 1, adopted Feb. 3, 2020, repealed Art. I, §§ 22-1—22-12 in their entirety and enacted a new Art. I to read as set out herein. Former Art. I pertained to similar subject matter and derived from the Code of 1996, §§ 22-1—22-12; Ord. No. F-1044, § 1, adopted May 16, 2005; Ord. No. F-1396, § 1, adopted Dec. 1, 2008; Ord. No. F-1519, § 1, adopted Oct. 18, 2010; Ord. No. F-1712, § 1, adopted May 20, 2013; Ord. No. F-1774, §§ 2, 3, adopted April 21, 2014; and Ord. No. F-1979, § 1, adopted Dec. 19, 2016.

### 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 as set forth in section 1-8 and/or section 2-588 of this code. Each day that violations continue shall be deemed a separate offense for each violation.

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.

(Ord. No. O-2020-05, § 1, 2-3-20; Ord. No. O-2024-06, § 5, 2-20-2024)

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

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

- (1) To 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 there is an outstanding debt due the city regardless of who incurred the debt. The city shall not have any obligation to secure payment of the debt from a property owner, tenant or occupant of the property.

(Ord. No. O-2020-05, § 1, 2-3-20)

### 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 shall also indicate the minimum elevation of any unprotected structure openings, such as windows or doorways. Elevation information shall be furnished by either a registered land surveyor or a registered professional engineer. Any builder placing a wood deck or other structural improvements to the foundation may be required to remove such structures



in order to make corrections to foundation elevations which are not consistent with the approved grading plan as determined by the city engineer.

- (d) *Verification of lot grading required prior to occupancy.* Prior to the issuance of an occupancy permit for any structure, the owner or developer shall furnish to the building department an as-constructed grading plan prepared by a registered land surveyor or registered professional engineer indicating that the grading, as constructed, is consistent with the approved grading plan, as follows:
    - (1) The as-constructed grading plan shall indicate proper lot drainage consistent with the approved grading plan.
    - (2) A rough construction grade will be acceptable provided the as-constructed rough grade is within 0.5 foot of the final grades indicated on the approved grading plan.
  - (e) *As-constructed lot grading drawings required prior to subdivision acceptance.* The requirements outlined herein do not waive a developer's responsibility to provide final as-constructed drawings including final as-constructed elevations at the time of subdivision acceptance consistent with section 62-298.
- (Ord. No. O-2020-05, § 1, 2-3-20)

#### **Sec. 22-6. Safety fencing.**

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

(Ord. No. O-2020-05, § 1, 2-3-20)

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

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

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

- (2) Plumbing fixtures and drains to be served by an overhead sanitary sewer shall drain into an ejection pit with a pump. The ejection pit shall be properly sealed, vented and located to receive sewage by gravity flow from which the sewage shall be pumped and discharged into the sanitary sewer service line of the structure. The discharge line of the pump shall be a minimum of two inches in diameter and shall be equipped with a back-flow check valve and gate valve. Plumbing fixtures above the elevation of the lowest level of the structure shall drain entirely by gravity and shall not be drained through the ejection pit.
- (b) *Overhead storm sewers (sump pumps).*
- (1) An overhead storm sewer shall be required for all new structures and new additions to existing structures, which have foundation footing tile drains. The foundation footing tile drain shall be directly connected and flow by gravity to a sump pit with pump. A back-flow check valve shall be placed in the discharge line from the pump. The discharge line from the pump shall be a minimum size of one and one-half inches. All sump pits shall have a cover. The discharge line from an overhead storm sewer shall exit the structure through an exterior wall to the outside no less than 18 inches beyond the exterior wall of the structure.
  - (2) When an overhead storm sewer is required as per section 22-7(b)(1), the discharge line of the overhead storm sewer sump pump shall allow for the disposal of the overhead storm sewer contents into a storm sewer service line directly connected to a private storm sewer service which is then connected to a city storm sewer. If a city storm sewer is not available to serve the structure, a dry-well or a best management practice designed for stormwater discharge, approved by the director of engineering, shall be constructed on the property. For the purpose of this section, a city storm sewer is available to serve a structure when a city storm sewer is within the city right-of-way adjacent to the property of the structure, or within an easement on or immediately adjacent to the property of the structure.

(Ord. No. O-2020-05, § 1, 2-3-2020; Ord. No. O-2022-30, § 1, 7-5-2022)

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

- (a) No person shall install any lawn irrigation or snowmelt system within a right-of-way or parkway without having first secured a right-of-way permit and a construction, use and indemnification agreement from the city. By applying for and receiving a permit, personally or through a contractor, the owner of a lawn irrigation or snowmelt system, successors, heirs, and assigns shall be subject to the following terms and conditions:
  - (1) The sole responsibility for the maintenance and repairs to the lawn irrigation or snowmelt system shall be and remain the obligation of the owner, successors, heirs, and assigns;
  - (2) Any construction use, and indemnification agreement shall require approval ~~by the corporate authorities of~~ the city; and
  - (3) The owner of an irrigation system or snowmelt system, as a mandatory condition of a construction, use and indemnification agreement shall release the city, its elected and appointed officials, ~~utilities utility companies company's~~ and contractors from any and all claims, damages, injuries, or costs of any type whatsoever, which may occur to the system in the right-of-way or parkway, or where the portion of the system located in the right-of-way or parkway connects to any portion of the system located on private property regardless of cause. Furthermore, the owner shall defend, indemnify, and hold the city harmless from any and all claims, actions, costs, judgments, injuries, property damage, expenses (including reasonable attorneys' and experts' fees) which arise or may be caused by the negligence of the owner, or owner's agent, as a result of the design, construction, maintenance, use or abandonment



of the lawn irrigation or snowmelt system. An additional condition of any construction use and indemnification agreement shall be that the owner agrees to pay the city the full costs of any damage to any city equipment or property caused by the presence of **the** system regardless of cause and with a full waiver of comparative negligence or a defense of willful and wanton misconduct against the city, its employees and agents.

- (b) Lawn irrigation systems shall be designed, installed, and operated **so** as not to spray water onto the sidewalk, curb, gutter or street. Snowmelt systems shall be designed, installed and operated so as not to cause any accumulation of ice on public sidewalks, curbs, gutters, and roadways.
- (c) Every snowmelt system within the right-of-way or parkway shall be separately zoned from any portion of a connected snowmelt system on private property so that portion of the snowmelt system within the right-of-way or parkway can be turned off at the request of the city. Where any snowmelt system has or is creating a dangerous condition through the build-up of ice on any sidewalk, **or** curb, gutter, street or alley or any neighboring sidewalk, curb gutter, street or alley, the city may, in its sole discretion, upon direction of any employee of the city building or police department, require the owner or other person having control of the snowmelt system to turn off the snowmelt functions in one or more of the zones. Any person refusing at the request of an employee of the city building department or police department to turn a snowmelt system off shall be in violation of this section and their construction, use and indemnification agreement.
- (d) The boiler associated with the snowmelt system shall have a minimum efficiency of 85 percent. The snowmelt system shall have automatic controls capable of shutting off the system when the pavement temperature is above 50 degrees Fahrenheit and no precipitation is falling and an automatic or manual control that will allow shutoff when the outdoor temperature is above 40 degrees Fahrenheit.
- (e) Fees for irrigation or snowmelt systems within **a** right-of-way or parkway shall be in accordance with appendix B to this Code. The application fee shall be waived in its entirety when **an** applicant installs a snowmelt system that offsets its energy use with a minimum of 25 percent on-site renewable energy sources.

(Ord. No. O-2020-05, § 1, 2-3-2020)

#### **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 **structure**, shall submit an application on a form provided by the code official prior to a change in use or change in occupancy. All fees shall be in accordance with appendix B to this Code.
- (d) No certificate of use and occupancy shall be issued by the code official unless the proposed use is in conformance with the city's zoning ordinance and applicable occupancy standards set forth in the building codes as adopted by the city.

(Ord. No. O-2020-05, § 1, 2-3-2020)



**Sec. 22-10. Premises identification.**

- (a) Duty of owners. Prior to the issuance of an occupancy permit for any new buildings, additions, alterations or any other changes for which an occupancy permit is required, other than for accessory buildings, it shall be the owner's duty to have placed, in a location easily observed, clear of obstruction and readable from the roadway, alley or similar access, Arabic numerals at least four inches high with a minimum stroke width of 0.5 inches showing the address of the building or structure. House and building numbers shall contrast with the background, shall be constructed of durable materials, be permanently installed and be readily visible. Script or written numbers are not permitted. On corner lots where the building faces the intersecting street, additional numbers shall also be placed on the side of the building's street address.
- (b) All buildings with multiple tenants or units shall have signage to indicate the direction to each number tenant space. This direction signage shall also be placed in the corridor across from the stairs/elevator door. All tenant spaces shall have a sign which indicates the tenant space number. Letters and numbers shall contrast with the background and shall be a minimum of two inches in height with a minimum stroke **width** of 0.25 inches. The tenant space numbers shall be constructed of durable materials, be permanently installed and be readily visible.
- (c) Where there are additional doors which will be used as exit/access for firefighting, Arabic numerals a minimum of four inches in height with a minimum stroke **width** of 0.5 inch shall be applied to the additional door to indicate the address. The address shall be visible from the parking lot or fire apparatus access.
- (d) This section applies to all new construction, change of ownership, tenant changes and commercial re-occupancies.
- (e) It shall be unlawful for any person to fail to number in compliance with this section any building owned by him after receiving notice to do so from the code enforcement officer of the city.

(Ord. No. O-2020-05, § 1, 2-3-20)

**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~~ **The builder or builders shall** 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.

(Ord. No. O-2020-05, § 1, 2-3-20)

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

- (a) *General.* The code official is hereby authorized and directed to enforce the provisions of the ICC Building Code, Residential Code, Electrical Code, Mechanical Code, Fuel Gas Code, Energy Conservation Code, Plumbing Code, Fire Code, Property Maintenance Code, Existing Building Code, the Swimming Pool and Spa Code, and the International Solar Energy Provisions as adopted and amended. The code official shall have the authority to render interpretations of the codes and adopt policies and procedures in order to clarify the application of ~~its~~ **their** provisions in compliance with the intent and purpose of the code.
- ~~(b) Application for appeal. Any person or entity directly affected by an interpretation of the code official or the code official's denial of alternative materials, methods and equipment under any code identified in subsection (a) of this section shall have the right to appeal to a board of appeals provided that a written application for the appeal is filed within 20 days after the date of the plan review, field inspection or finding is delivered to the person or entity. An application for appeal shall be based on a claim that the true intent of~~



~~the code or rules adopted thereunder have been incorrectly interpreted, that the provisions of this code do not fully apply, or that the requirements of this code are adequately satisfied by other means. Prior to convening a board of appeals the city attorney will examine the written application to determine whether it prima facie satisfies a basis of appeal as specified in this section. Upon a determination by the city attorney that the appeal is a prima facie appeal, a board of appeals shall be convened.~~

~~(e)(b)~~ *Membership of the board of appeals.*

(1) *Composition.* The board of appeals shall consist of three members who shall be appointed at the time of the appeal and who are qualified by experience and training to pass on matters pertaining to building and construction and who are not employees of the city. The code official shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be appointed as follows: the code official and the appellant shall each submit three names of persons who are qualified by experience and training to pass on matters pertaining to the appeal. A draw shall be held in which one of each of the code official's and the appellant's nominated candidates for the board of appeal shall be drawn. The two selected members of the board of appeal shall then meet and select the third member of the panel. The board shall be appointed within 30 days of the written application for appeal. The third member shall act as chairman.

(2) *Quorum.* Two members of the board shall constitute a quorum.

~~(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)(c)~~ *Compensation of members.* Compensation of members shall be determined at the prevailing hourly rate in the industry for persons of similar experience and training.

(d) *Application for appeal.* Any person or entity directly affected by an interpretation of the code official or the code official's denial of alternative materials, methods and equipment under any code identified in subsection (a) of this section shall have the right to appeal to a board of appeals provided that a written application for the appeal is filed within 20 days after the date of the plan review, field inspection or finding is delivered to the person or entity. An application for appeal shall be based on a claim that the true intent of the code or rules adopted thereunder have been incorrectly interpreted, that the provisions of the codes do not fully apply, or that the requirements of the codes 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.

~~(f)(e)~~ *Notice of the meeting.*

(1) The board shall meet upon notice from the ~~chairman~~ chairperson within 20 days of its appointment.

(2) All hearings before the board shall comply with the Illinois Open Meetings Act. ~~A quorum shall consist of not less than all three members of the board.~~

~~(g)(f)~~ *Hearings and 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) *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.

(2) *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. The board shall render its decision within 30 days after the hearing concludes.



- (3) *Records and copies.* A record of proceedings before the board shall be maintained by recording or transcript prepared by a court reporter. The director of building and code enforcement shall prepare the written decision of the board, which shall set forth the reasons therefor.
  - (4) *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)(g) *Court review.* Any review of the board's action by a court of law shall be ~~only~~ based ~~only~~ upon the record before the board and in conformance with ~~the Illinois administrative review~~ Administrative Review Law, 735 ILCS 5/3-101 ~~et seq. burdens and standards established under state law.~~
  - (i) *Costs.* Any appellant losing the appeal shall reimburse the city for all costs and expenses incurred in consequence of the proceedings before the board, including compensation of members as provided for in subsection (e) of this section. The code official may withhold building or occupancy permits until the sum is paid. If the appellant prevails by final non-appealable order, the city and the appellant shall each bear one-half of the total costs and expenses of the proceedings before the board.
- (Ord. No. O-2020-05, § 1, 2-3-20)

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

## **ARTICLE II. CONTRACTORS<sup>3</sup>**

### ***DIVISION 1. GENERALLY***

#### **Sec. 22-15. 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:

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

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

*Electrical contractor* means any person engaged in the business of installing or altering, by contract or otherwise, electrical equipment for the utilization of electricity supplied for light, heat or power, not including radio apparatus or equipment for wireless reception of sounds and signals or similar. The term "electrical

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<sup>3</sup>Ord. No. O-2020-05, § 1, adopted Feb. 3, 2020, repealed Art. II, §§ 22-15—22-28 in their entirety and enacted a new Art. II to read as set out herein. Former Art. II pertained to similar subject matter and derived from the Code of 1996, §§ 22-15—22-28; Ord. No. F-1044, § 1, adopted May 16, 2005; and Ord. No. F-1712, § 2, adopted May 20, 2013.



contractor" does not include employees employed by such contractor to do supervisory work. Licenses are issued by municipalities.

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

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

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

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

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

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

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

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

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

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

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

(Ord. No. O-2020-05, § 1, 2-3-20)

## ***DIVISION 2. PERMIT APPLICATION<sup>4</sup>***

### **Sec. 22-16. Permit required.**

- (a) Any owner and/or owner's authorized agent who intends to perform any work requiring a permit under any provision of this chapter shall be responsible for obtaining the applicable permit. Prior to the commencement of any work, an owner shall ensure that permits have been issued. All other provisions of this Code pertaining to an owner's obligation to obtain permits shall remain in full force and effect. The owner and the owner's agent responsible for obtaining a permit shall be jointly and severally liable if work which requires a permit is performed without a permit.
- (b) An application for a permit shall include the full name, street address other than a post office box, cell phone number and/or a land-based phone number, and email address for both the owner and owner's agent. In the case of a contractor, the city contractor ID may be used.

(Ord. No. O-2020-05, § 1, 2-3-20; Ord. No. O-2024-06, § 5, 2-20-2024)

### **Sec. 22-17. Listed Contractors.**

Listed contractors are required to identify their cost of work to allow permit fees to be established. It shall be unlawful for any person to engage in the business of general contractor, electrical contractors, mechanical contractor, demolition (principal and accessory) contractor, (building) moving contractor, or right of way contractor without first being identified and listed on a City of Wheaton Application for Permit.

(Ord. No. O-2020-05, § 1, 2-3-20)

### **Sec. 22-18. Cost of Work.**

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

(Ord. No. O-2020-05, § 1, 2-3-20)

### **Sec. 22-19. State Licensed contractors.**

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

(Ord. No. O-2020-05, § 1, 2-3-20)

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<sup>4</sup>State law reference(s)—Registration of electrical contractors, 65 ILCS 5/11-33-1; Elevator Safety and Regulation Act, 225 ILCS 312/1 et seq.; Fire Sprinkler Contractor Licensing Act, 225 ILCS 317/1 et seq.; Fire Equipment Distributor and Employee Regulation Act of 2000, 225 ILCS 216/1 et seq.; Private Detective, Private Alarm, Private Security and Locksmith Act of 2004, 225 ILCS 447; Regulation of Heating, Air Conditioning and Refrigeration Installations, 65 ILCS 5/11-32-1; Illinois Plumbing License Law, 225 ILCS 320/0.01 et seq.; Illinois Roofing Industry Licensing Act, 225 ILCS 335/1.



**Sec. 22-20. Public right-of-way requirements.**

Contractors performing work on city property or on the public way, **and house moving contractors**, shall provide bond and insurance as required in chapter 58 of this Code. ~~House-moving contractors shall provide bond and insurance as specified in chapter 58 of this Code.~~

(Ord. No. O-2020-05, § 1, 2-3-20)

**Sec. 22-21. 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.

(Ord. No. O-2020-05, § 1, 2-3-20)

**Sec. 22-22. 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.

(Ord. No. O-2020-05, § 1, 2-3-20)

**Sec. 22-23. Property owner requirements.**

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

(Ord. No. O-2020-05, § 1, 2-3-20)

**Sec. 22-24. Contractor registration.**

All general, electrical, mechanical, plumbing, fire alarm, fire sprinkler, heating and air conditioning, roofing, elevator, irrigation, and right-of-way contractors are required to be registered with the City of Wheaton.

Application for Contractor Registration should be submitted to the Building Department and include the following:

- (1) A completed Contractor Registration application.
- (2) Copies of any State or local licenses required pursuant to section 22-19.
- (3) Payment of the Contractor Registration fee **per in accordance with** appendix B to this Code.

(Ord. No. O-2024-06, § 5, 2-20-2024)

**Secs. 22-25—22-29. Reserved.**

## ARTICLE III. BUILDING CODE<sup>5</sup>

### Sec. 22-30. Adoption.

The ICC International Building Code/~~2018~~ 2024 with referenced standards and Appendix I (Patio Covers) and K (Administrative Provisions), as published by the International Code Council, Inc., together with the additions, insertions, deletions and changes prescribed in this article, is hereby adopted by reference and made a part of this chapter as if fully set forth herein as the standards, rules and regulations for the design, construction, alteration, repair, use and maintenance of buildings and structural appurtenances in the city.

(Ord. No. O-2020-05, § 1, 2-3-20)

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/~~2018~~ 2024 adopted in section 22-30.
- (b) Any reference in the building code to the "building official" shall mean the director of building and code enforcement of the city.
- (c) Any reference in the building code to the "name of jurisdiction" shall mean the City of Wheaton.
- (d) Any reference in the building code to the "chief appointing authority" shall mean the city manager or the city council, as prescribed by ordinance.
- (e) Any reference in the building code to the "department of building safety" shall mean the department of building and code enforcement of the city.
- (f) Any reference in the building code to the date or time at which the provisions of such code became applicable shall mean the adopted date, which shall be the effective date of the ordinance from which this article is derived, or as provided by law.
- (g) If any provision of the building code is in conflict with any provision of the city zoning ordinance and any amendments thereto, the provisions of the latter shall prevail.
- (h) The following sections or subsections of the building code are amended as indicated:

*Section 104.3.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. Change to read:*

*104.3.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the ~~building-official~~ Engineering Department shall determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where the ~~building-official~~ Engineering Department determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the building official shall require the building to meet the requirements of Section 1612, or Section R306 of the *International Residential Code*, as applicable.*

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<sup>5</sup>Ord. No. O-2020-05, § 1, adopted Feb. 3, 2020, repealed Art. III, §§ 22-30, 22-31 in their entirety and enacted a new Art. III to read as set out herein. Former Art. III pertained to similar subject matter and derived from the Code of 1996, §§ 22-30 and 22-32; and Ord. No. F-1774, § 1(exh. A), adopted April 21, 2014.



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

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

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

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

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

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

Section 114.4 *Violation penalties*. Change to read:

See Wheaton City Code, section 22-3.

Section ~~501.2~~ 502.1 *Address identification*. Change to read:

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

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

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

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

The fire area exceeds 5,000 square feet.

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

The fire area exceeds 5,000 square feet.

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

The fire area exceeds 5,000 square feet.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Add the following section:

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

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

Section [F] ~~903.4.1~~ 903.4.2 *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 907.2.2 Group B. Change to Read:**

A manual fire alarm system, which activates the occupant notification system in accordance with Section 907.5, shall be installed in Group B occupancies where one of the following conditions exists:

1. The combined Group B occupant load of all floors is 10 or more.
2. The Group B occupant load is more than 100 persons above or below the lowest level of exit discharge.
3. The fire area contains an ambulatory care facility.

**Exception:** Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and the occupant notification appliances will activate throughout the notification zones upon sprinkler water flow.

**Chapter 13 Energy Efficiency Change to read:**

Energy Efficiency shall comply with Chapter 22 Article VIII of the Wheaton City Code.

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

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

See Chapter 34, Stormwater Management Regulations, of the Wheaton City Code.

**Chapter 29 Plumbing Systems Change to read:**

Plumbing systems shall comply with Chapter 22 Article IX of Wheaton City Code.

**Appendix I, Patio Covers, Section ~~1101.1~~ 101.1 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.

(Ord. No. O-2020-05, § 1, 2-3-20)

**Secs. 22-32—22-39. Reserved.**

## **ARTICLE IV. RESIDENTIAL CODE<sup>6</sup>**

**Sec. 22-40. Adoption.**

- (a) The ICC International Residential Code/~~2018~~ 2024 with referenced standards and Appendices A, B, C, G, H, and O, as published by the International Code Council, Inc., together with the additions, insertions, deletions

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<sup>6</sup>Ord. No. O-2020-05, § 1, adopted Feb. 3, 2020, repealed Art. IV, §§ 22-40, 22-41 in their entirety and enacted a new Art. IV to read as set out herein. Former Art. IV pertained to similar subject matter and derived from the Code of 1996, §§ 22-40 and 22-41; and Ord. No. F-1774, § 1(exh. A), adopted April 21, 2014.

and changes prescribed in this article, is hereby adopted by reference and made a part of this article, the same as if fully set forth herein, as the standards, rules and regulations for the design, construction, alteration, repair, use and maintenance of buildings and structural appurtenances in the city.

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

(Ord. No. O-2020-05, § 1, 2-3-20)

## 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/~~2018~~ 2024, 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 the ordinance from which this article is derived, or as provided by law.
- (g) If any provision of the residential code is in conflict with any provision of the city zoning ordinance, and any amendments thereto, the provisions of the latter shall prevail.
- (h) The following sections or subsections of the residential code are amended as indicated:

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

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

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

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

**Section R105.3.2 *Time limitation of application*. Change to read:**

An application for a *permit* for any proposed work shall be deemed to have been abandoned ~~180~~ 90 days after the date of filing unless such application has been pursued in good faith or a *permit* has been issued; except that the *building official* is authorized to grant one or more extensions of time for additional periods not exceeding ~~180~~ 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

**Section R105.5 *Expiration*. Change to read:**

Every *permit* issued shall become invalid unless the work authority by such *permit* is commenced within ~~180~~ 90 days after its issuance or after commencement of work if more than ~~180~~ 90 days pass between inspections. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than ~~180~~ 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

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~~ 90 days if an extension is requested in writing and justifiable cause demonstrated.

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

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

Section R108.2 *Fees*. Change to read:

See Wheaton City Code, Appendix B.

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

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

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

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

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

Ground Snow Load	<del>25 psf</del> 36 psf
Speed (MPH/MPS)	<del>115 (51)-107 (48)</del>
Topographic Effects	No
Special Wind Region	No
Windborne Debris Zone	No
Seismic design category	A
Weathering	Severe
Frost line depth	42 inches
Termite	Moderate to heavy
Winter design temperature	-4 degrees F
Ice Barrier underlayment Required	Yes
Flood hazard	June 15, 1979
Air freezing index	2000
Mean annual temperature	49.4 degrees F

Manual J Design Criteria (heating/cooling)

Elevation	758
Latitude	42
Winter Heating	1
Summer Cooling	88 Degrees
Altitude Correction Factor	0.98
Indoor Design Temperature	72 Degrees F

Design Temperature Cooling	75 Degrees F
Heating Temperature Difference	72
Cooling Temperature Difference	15
Wind Velocity Heating	15
Wind Velocity Cooling	7 1/2
Coincident Wet Bulb	74
Daily Range	M
Winter Humidity	40
Summer Humidity	2.25

Table R302.6 *Dwelling/garage fire separation*. ~~Add the following row:~~ Change to read:

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

Material: Not less than one-half-inch gypsum board or equivalent applied to all walls and ceilings.

Section ~~R304.1~~ *Location required*, Item 2. Change to read:

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

Section ~~R319.1~~ ~~R308.1~~ *Address numbers*. Change to read:

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

~~Section R309 One- and two-family dwelling automatic fire systems. Delete in its entirety.~~

~~Section R309.1 Townhouse automatic sprinkler systems. Delete in its entirety.~~

~~Section R309.2 One- and two-family dwellings automatic sprinkler systems. Delete in its entirety.~~

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

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

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

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

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

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

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

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

Add the following section.

Section ~~R314.8~~ ~~R310.7.5~~ *Heat Detectors*. When constructing new detached one or two-family dwellings, Heat Detectors shall be installed in any integral garage or attached garage. The heat detector shall receive primary power from the building wiring, and when primary power is interrupted, shall receive power from a battery. The heat detector shall be interconnected with the smoke alarm system in such a manner that activation of one alarm will activate all of the alarms in the individual unit.

~~Section R315.3 Carbon monoxide alarms. Change to read:~~



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

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

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

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

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

Section R330.4 *Locations*. Change to read:

ESS shall be installed only in the following locations:

1. Detached garages and detached *accessory structures*.
2. Attached garages separated from the *dwelling unit living space* in accordance with Section R302.6.
3. Outdoors or on the exterior side of exterior walls located not less than 3 feet (914 mm) from doors and windows directly entering the *dwelling unit*, except where smaller separation distances are permitted by the UL 9540 listing and manufacturer's installation instructions.
4. ~~Enclosed utility closets, basements, storage or utility spaces within dwelling units with finished or noncombustible walls and ceilings. Walls and ceilings of unfinished wood framed construction shall be provided with not less than 5/8 inch (15.9 mm) Type X gypsum wallboard. Openings into the dwelling shall be equipped with solid wood doors not less than 1 3/8 inches (35 mm) in thickness, solid or honeycomb core steel doors not less than 1 3/8 inches (35 mm) in thickness, or doors with a 20-minute fire protection rating. Doors shall be self-latching and equipped with a self-closing or an automatic closing device. Penetrations through the required gypsum wallboard into the dwelling shall be protected as required by Section R302.11, Item 4.~~

ESS shall not be installed in sleeping rooms, or *closets* or spaces opening directly into sleeping rooms.

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

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

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

Add the following Sections:

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

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

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

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

Section R404.1.1 Design Required. Change to read:

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

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



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

Add the following Section:

**Section R502.7.1 Bridging. Change to read:**

Joists ~~exceeding a nominal 2 inches by 12 inches (51 mm by 305 mm)~~ shall be supported laterally by solid blocking, diagonal bridging (wood or metal), or a continuous 1-inch by 3-inch (25 mm by 76 mm) strip nailed across the bottom of joists perpendicular to joists at intervals not exceeding 8 feet (2438 mm).

**Exception:** Trusses, *structural composite lumber*, structural glued-laminated members and I-joists shall be supported laterally as required by the manufacturer's recommendations.

R507.1.1 Free standing decks shall be defined as any deck structure that is structurally independent and does not serve an exterior door of an adjoining structure.

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

Add the following section:

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

**Section E3901.4.2 Island and peninsular countertops and work surfaces. Change to read:**

Island and Peninsular Countertop spaces with a long dimension of 600mm (24 inches) or greater and a short dimension of 300mm (12 inches) or greater shall have at least one receptacle outlet.

- (1) Receptacles shall be installed in accordance with E3901.4.
- (2) On island or peninsular countertops where the work surface is flat across its entire surface (no backsplashes, dividers, etc.), receptacles shall be permitted to be mounted not less than 12" below the countertop or work surface.
- (3) Receptacles mounted below a countertop or work surface shall not be located where the countertop or work surface extends more than 150mm (6 inches) beyond its support base.

**E4203.8 Underground wiring. Change to Read:**

Underground wiring shall not be installed under or within the area extending 5 feet horizontally from the inside walls of the pools and outdoor hot tubs and spas except where wiring is installed to supply pools, spa, or hot tub equipment. Underground wiring shall be installed in rigid metal conduit, intermediate metal conduit, rigid polyvinyl chloride conduit, reinforced thermosetting resin conduit, or Jacketed Type MC cable that is listed for burial use. The minimum cover depth shall be in accordance with Table E3803.1.

**Chapter 11 (RE) Energy Efficiency. Change to Read:**

Energy Efficiency shall comply with Chapter 22 Article VIII of Wheaton City Code.

**Appendix H BF Patio Covers, Section AH101.2 BF101.2 Permitted Uses. Change to read:**

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

(Ord. No. O-2020-05, § 1, 2-3-20)

**Secs. 22-42—22-49. Reserved.**



## ARTICLE V. ELECTRICAL CODES<sup>7</sup>

### Sec. 22-50. Adoption.

The NFPA 70 National Electrical Code/~~2017~~ 2023, prepared by the National Electrical Code Committee and acted on by the National Fire Protection Association, Inc., and the ICC International Building Code/2024, 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~~ **are** 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.

(Ord. No. O-2020-05, § 1, 2-3-20)

### 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/~~2017~~ 2023 and the ICC International Building Code/~~2018~~ 2024, Appendix K adopted in section 22-50.
- (b) Any reference in the electrical provisions to the "code official" shall mean the director of building and code enforcement of the city.
- (c) Any reference in the electrical provisions to the "name of jurisdiction" shall mean the City of Wheaton.
- (d) Any reference in the electrical provisions to the "authority having jurisdiction" shall mean the city manager or the city council, as prescribed by ordinance.
- (e) Any reference in the electrical provisions to the date or time at which the provisions of such code became applicable shall mean the adopted date, which shall be the effective date of the ordinance from which this article is derived, or as provided by law.
- (f) The following sections or subsections of the NFPA 70 National Electrical Code/~~2017~~ 2023 are amended as indicated:

Section 110.3, add a new subsection (D) which shall read:

*(D)-Dark Sky Compliant Residential Exterior Light Fixtures.*

All exterior lighting fixtures for new residential structures, constructed after November 21, 2022, shall be compliant with the International Dark Sky Association's ("IDA") Dark Sky Fixture Seal of Approval program.

Add the following section:

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

**Section 210.52 (C)(2) *Island and Peninsular Countertops.* Change to Read:**

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<sup>7</sup>Ord. No. O-2020-05, § 1, adopted Feb. 3, 2020, repealed Art. V, §§ 22-50, 22-51 in their entirety and enacted a new Art. V to read as set out herein. Former Art. V pertained to similar subject matter and derived from the Code of 1996, §, adopted 22-50 and 22-51; and Ord. No. F-1774, § 1(exh. A), adopted April 21, 2014.

Island and Peninsular Countertop spaces with a long dimension of 600mm (24 inches) or greater and a short dimension of 300mm (12 inches) or greater shall have at least one receptacle outlet.

- (1) Receptacles shall be installed in accordance with 210.52 (C)(3).
- (2) On island or peninsular countertops where the work surface is flat across its entire surface (no backsplashes, dividers, etc.), receptacles shall be permitted to be mounted not less than 12" below the countertop or work surface.
- (3) Receptacles mounted below a countertop or work surface shall not be located where the countertop or work surface extends more than 150mm (6 inches) beyond its support base.

**Section 225.31 Disconnecting Means, (B) Location.** Change to Read:

The disconnecting means shall be installed on the outside of the building or structure served or where the conductors pass through the building or structure. The disconnecting means shall be at a readily accessible location nearest the point of entrance of the conductors. For purposes of this section, the requirements of 230.6 shall apply.

**Section 230.70 General (Service equipment—Disconnecting means), (A) Location, (I) 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~~ 310.3 Conductors, (B) Conductor material.** ~~Add the following:~~ Change to read:

- 1) 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, 335, 724, 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.

**Section 680.11 Underground Wiring.** Change to read:



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

~~(g) The following sections or subsections of the ICC International Building Code/2018, Appendix K, Section K111: Electrical Provisions are amended as indicated:~~

~~Reserved.~~

(Ord. No. O-2020-05, § 1, 2-3-20; Ord. No. O-2022-53, § 1, 11-21-22)

**Secs. 22-52—22-59. Reserved.**

## ARTICLE VI. MECHANICAL CODE<sup>8</sup>

### Sec. 22-60. Adoption.

The ICC International Mechanical Code/~~2018~~ 2024 (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.

(Ord. No. O-2020-05, § 1, 2-3-20)

### 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/~~2018~~ 2024 adopted in section 22-60.
- (b) Any reference in the mechanical code to the "code official" shall mean the director of building and code enforcement of the city.
- (c) Any reference in the mechanical code to the "name of jurisdiction" shall mean the City of Wheaton.
- (d) Any reference in the mechanical code to the "chief appointing authority" shall mean the city manager or the city council, as prescribed by ordinance.
- (e) Any reference in the mechanical code to the "department of mechanical inspection" shall mean the department of building and code enforcement of the city.
- (f) Any reference in the mechanical code to the date or time at which the provisions of such code became applicable shall mean the adopted date, which shall be the effective date of the ordinance from which this article is derived, or as provided by law.
- (g) The following sections or subsections of the mechanical code are amended as indicated:

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<sup>8</sup>Ord. No. O-2020-05, § 1, adopted Feb. 3, 2020, repealed Art. VI, §§ 22-60, 22-61 in their entirety and enacted a new Art. VI to read as set out herein. Former Art. VI pertained to similar subject matter and derived from the Code of 1996, §§ 22-60 and 22-61; and Ord. No. F-1774, § 1(exh. A), adopted April 21, 2014.

Section 106.5.2 *Fee schedule*. Insert the following:

Wheaton City Code, appendix B, fee schedule.

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

Section 108.4 *Violation penalties*. Change to read:

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

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

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

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

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

Add the following section:

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

(Ord. No. O-2020-05, § 1, 2-3-20)

**Secs. 22-62—22-69. Reserved.**

## ARTICLE VII. FUEL GAS CODE<sup>9</sup>

### Sec. 22-70. Adoption.

The ICC International Fuel Gas Code/~~2018~~ 2024 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.

(Ord. No. O-2020-05, § 1, 2-3-20)

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<sup>9</sup>Ord. No. O-2020-05, § 1, adopted Feb. 3, 2020, repealed Art. VII, §§ 22-70, 22-71 in their entirety and enacted a new Art. VII to read as set out herein. Former Art. VII pertained to similar subject matter and derived from the Code of 1996, §§ 22-70 and 22-71; and Ord. No. F-1774, § 1(exh. A), adopted April 21, 2014.



**Sec. 22-71. Amendments.**

- (a) The additions, insertions, deletions and changes set out in this section are hereby made to the ICC International Fuel Gas Code/~~2018~~ 2024 adopted in section 22-70.
- (b) Any reference in the fuel gas code to the "code official" shall mean the director of building and code enforcement of the city.
- (c) Any reference in the fuel gas code to the "name of jurisdiction" shall mean the city.
- (d) Any reference in the fuel gas code to the "chief appointing authority" shall mean the city manager or the city council, as prescribed by ordinance.
- (e) Any reference in the fuel gas code to the "department of inspection" shall mean the department of building and code enforcement of the city.
- (f) Any reference in the fuel gas code to the date or time at which the provisions of such code became applicable shall mean the adopted date, which shall be the effective date of the ordinance from which this article is derived, or as provided by law.
- (g) The following sections or subsections of the fuel gas code are amended as indicated:

~~Section 105.1.1 Annual Permit. Delete in its entirety.~~

~~Section 105.1.2 Annual Permit Records. Delete in its entirety~~

Section ~~106-6-2~~ 108.2 Fees. Insert the following:

Wheaton City Code, appendix B, fee schedule.

Section 108.4 *Violation penalties*. Change to read:

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

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

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

Section ~~109~~ 112 *Means of appeals*. Change to read:

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

~~Section 113 Board of Appeals. Change to read:~~

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

Section ~~108-4~~ 113.4 *Violation penalties*. Change to read:

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

(Ord. No. O-2020-05, § 1, 2-3-20)

**Secs. 22-72—22-79. Reserved.**

## ARTICLE VIII. ILLINOIS ENERGY CONSERVATION CODE<sup>10</sup>

### Sec. 22-80 Enforcement.

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

(Ord. No. O-2020-05, § 1, 2-3-20)

### Secs. 22-82—22-89. Reserved.

## ARTICLE IX. PLUMBING<sup>11</sup>

### *DIVISION 1. GENERALLY*

### Sec. 22-90. License required.

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

(Ord. No. O-2020-05, § 1, 2-3-20)

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, fee schedule, of this Code.

(Ord. No. O-2020-05, § 1, 2-3-20)

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<sup>10</sup>Ord. No. O-2020-05, § 1, adopted Feb. 3, 2020, repealed Art. VIII, §§ 22-80, 22-81 in their entirety and enacted a new Art. VIII to read as set out herein. Former Art. VIII pertained to similar subject matter and derived from the Code of 1996, §§ 22-80 and 22-81; and Ord. No. F-1774, § 1(exh. A), adopted April 21, 2014.

State law reference(s)—Energy Efficiency 20 ILCS 3125/1

<sup>11</sup>Ord. No. O-2020-05, § 1, adopted Feb. 3, 2020, repealed Art. IX, §§ 22-90—22-102 in their entirety and enacted a new Art. IX to read as set out herein. Former Art. IX pertained to similar subject matter and derived from the Code of 1996, §§ 22-90—22-111; and Ord. No. F-1774, § 1(exh. A), adopted April 21, 2014.

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.



**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.

(Ord. No. O-2020-05, § 1, 2-3-20)

**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.

(Ord. No. O-2020-05, § 1, 2-3-20)

**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.

(Ord. No. O-2020-05, § 1, 2-3-20)

**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.

(Ord. No. O-2020-05, § 1, 2-3-20)

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

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

(Ord. No. O-2020-05, § 1, 2-3-20)

**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.

(Ord. No. O-2020-05, § 1, 2-3-20)

**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.

(Ord. No. O-2020-05, § 1, 2-3-20)

**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.

(Ord. No. O-2020-05, § 1, 2-3-20)

**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.

(Ord. No. O-2020-05, § 1, 2-3-20)

**Sec. 22-101. Fixtures required.**

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

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

(Ord. No. O-2020-05, § 1, 2-3-20)

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

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

(Ord. No. O-2020-05, § 1, 2-3-20)

**Secs. 22-103—22-109. Reserved.**

***DIVISION 2. STATE PLUMBING CODES<sup>12</sup>***

**Sec. 22-110. Enforcement.**

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

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<sup>12</sup>State law reference(s)—Part 890 Illinois Plumbing Code.



(Ord. No. O-2020-05, § 1, 2-3-20)

### Sec. 22-111. Amendments.

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

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

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

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

Piping for water service lines two inches or smaller in diameter shall be copper/copper alloy tubing (ASTM 8 88-1996) and for piping for water service lines 2½ inches or greater in diameter shall be cast iron/ductile iron (ASTM A 377-1984).

- (c) Pursuant to 17 Ill. Adm. Code 3730.207(c)4) and subject to the Illinois Plumbing Code (77 Ill. Adm. Code 890) and the Lawn Irrigation Contractor and Lawn Sprinkler System Registration Code (77 Ill. Adm. Code 892), ~~be it hereby ordained that the City of Wheaton,~~ all new and replacement plumbing fixtures and irrigation controllers installed after the effective date of this ordinance shall bear the WaterSense label (as designated by the U.S. Environmental Protection Agency WaterSense Program), when such labeled fixtures are available.

(Ord. No. O-2020-05, § 1, 2-3-20)

## ***DIVISION 3 ICC PLUMBING CODE***

### Sec. 22-112. Adoption.

The ICC International Plumbing Code/~~2018~~ 2024 Chapter 1 Scope and Administration, Chapter 2 Definitions, Chapter 3 General Regulations, Chapter 11, Storm Drainage, with referenced standards and Appendix B 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. In the event that there is a conflict of codes between the Illinois State Plumbing Code and the ICC Plumbing Code Chapters 1,2,3, and 11, the State of Illinois Plumbing Code shall take precedence.

(Ord. No. O-2020-05, § 1, 2-3-20)

### Sec. 22-113. Amendments to IPC.

- (a) The additions, insertions, deletions and changes set out in this section are hereby made to the ICC International Plumbing Code/~~2018~~ 2024 and the state plumbing code, as adopted in section 22-110.
- (b) Any reference in the plumbing code to the "building official" shall mean the director of building and code enforcement of the city.
- (c) Any reference in the plumbing code to the "name of jurisdiction" shall mean the City of Wheaton.
- (d) Any reference in the plumbing code to the "chief appointing authority" shall mean the city manager or the city council, as prescribed by ordinance.

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

Section ~~106-6~~ **108.2** *Fees*. Change to read:

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

Section ~~108~~ **114.4** *Violation Penalties*. Change to read:

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

Section ~~109~~ **112** *Means of Appeals*. Change to read:

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

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

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

(Ord. No. O-2020-05, § 1, 2-3-20)

**Secs. 22-114—22-119. Reserved.**

## **ARTICLE X. FIRE CODES<sup>13</sup>**

### ***DIVISION 1. GENERALLY***

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

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

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

- (1) Fire causing structural damage to the protected premises verified by the fire department;

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<sup>13</sup>Ord. No. O-2020-05, § 1, adopted Feb. 3, 2020, repealed Art. X, §§ 22-120, 22-121 and 22-125, 22-126 in their entirety and enacted a new Art. X to read as set out herein. Former Art. X pertained to similar subject matter and derived from the Code of 1996, §§ 22-120, 22-125, and 22-126; Ord. No. F-1774, § 1(exh. A), adopted April 21, 2014; and Ord. No. F-1991, § 1, adopted Jan. 3, 2017.

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



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

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

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

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

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

- (1) *Commercial alarms.* Fines per false alarm per calendar year:

False alarms 1 through 3 No fine

False alarms 4 through 9 \$300.00

False alarms 10 through 14 \$600.00

False alarms 15 and over \$1,000.00

- (2) *Residential alarms.* Fines per false alarm per calendar year:

False alarms 1 through 3 No fine

False alarms 4 through 9 \$150.00

False alarms 10 through 14 \$250.00

False alarms 15 and over \$350.00

- (d) All fines shall be paid to the city finance department within 30 days from the date of the invoice requesting payment of the fine(s).
- (e) *Informal hearing.* Each fire alarm user shall be entitled to an informal hearing with the fire chief, or his designee, for each false alarm in excess of three. At the informal hearing, the fire alarm user may offer

evidence that the alarm activation for which he is charged was not a false alarm as defined herein. No fine shall be imposed where the evidence establishes that the activation was not a false alarm.

- (f) Such hearing shall be requested in writing, by certified or registered mail, directed to the fire chief, no later than seven days after the mailing of the statement of charges for the false alarm. Failure to timely request a hearing shall constitute an admission that the fine is justified and payable to the city and shall further constitute an irrevocable waiver of such hearing.

(Ord. No. O-2020-05, § 1, 2-3-20)

**Secs. 22-121—22-124. Reserved.**

## ***DIVISION 2. FIRE CODE***

### **Sec. 22-125. Adoption.**

The ICC International Fire Code/~~2018~~ 2024 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.

(Ord. No. O-2020-05, § 1, 2-3-20)

### **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/~~2018~~ 2024 adopted in section 22-125.
- (b) Any reference in the fire code to the "fire code official" shall mean the fire chief of the city.
- (c) Any reference in the fire code to the "name of jurisdiction" shall mean the City of Wheaton.
- (d) Any reference in the fire code to the "chief appointing authority" shall mean the city manager or the city council, as prescribed by ordinance.
- (e) Any reference in the fire code to the "department of fire prevention" shall mean the department of building and code enforcement of the city.
- (f) Any reference in the fire code to the date or time at which the provisions of such code became applicable shall mean the adopted date, which shall be the effective date of the ordinance from which this article is derived, or as provided by law.
- (g) The following sections or subsections of the fire code are amended as indicated:

Section ~~104.6.2~~ 104.7.2 *Inspections*. Change to read:

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

Section ~~104.6.3~~ 104.7.3 *Fire records*. Change to read:



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

Section 104.10

*Fire investigations.* Change to read:

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

Section ~~106.6~~ 108.2 *Fees.* Change to read:

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

Section ~~109~~ 112 *Board Means of appeals.* Change to read:

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

Section ~~110~~ 113.4 *Violation penalties.* Change to read:

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

~~Section 112.4 *Failure to comply.* Change to read:~~

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

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

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

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

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

Section 505.1 *Address identification.* Change to read:

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

Section 509.1 *Identification.* Add the following:

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

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

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

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

The fire area exceeds 5,000 square feet.

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

The fire area exceeds 5,000 square feet.

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

The fire area exceeds 5,000 square feet.

**An automatic sprinkler system shall be provided throughout the building for Group B occupancies, as required in Sections 903.2.2.1 and 903.2.2.2.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Add the following section:

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

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

Section 903.4.1 *Monitoring.* Change to read:

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

Add the following sections:

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

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

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



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

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

A manual fire alarm system, which activates the occupant notification system in accordance with Section 907.5, shall be installed in Group B occupancies where one of the following conditions exists:

1. The combined Group B *occupant load* of all floors is ~~500~~ 10 or more.
2. The Group B *occupant load* is more than 100 persons above or below the lowest level of exit discharge.
3. The fire area contains an ambulatory care facility.

Exception: Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and the occupant notification appliances will activate throughout the notification zones upon sprinkler water flow.

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 1103.5.6.

Add the following section:

Section 1103.5.56 (IFC, Construction Requirements for Existing Buildings, Fire Safety Requirements for Existing Buildings) *When construction is proposed*. An approved automatic sprinkler system shall be installed in existing buildings in accordance with Section 903 (Automatic Sprinkler Systems) when the cost of proposed construction (i.e., alterations and additions) in any given year (12-month period) is at least 50 percent of the value of the building. The value of the building or structure (excluding land) shall be established by the Milton Township Assessors' assessment records for the year prior to the initial remodeling or reconstruction. Owners of tax-exempt properties shall produce documentation verifying the building's valuation, which will be subject to the review and approval of the building code official.

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

An approved fire alarm system shall be installed in existing buildings and structures in accordance with Sections 1103.7.1 through 1103.7.7 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 1103.7.7 (IFC, Construction Requirements for Existing Buildings, Fire Safety Requirements for Existing Buildings) *When construction is proposed*. An approved fire alarm system shall be installed in existing buildings and structures in accordance with Section 907 when the cost of proposed construction (i.e. alterations and additions) in any given year (12-month period) is at least 25 percent of the value of the building. The value of the building or structure (excluding land) shall be established by the Milton Township Assessors' assessment records for the year prior to the initial remodeling or reconstruction. Owners of tax-exempt properties shall produce documentation verifying the building's valuation, which will be subject to the review and approval of the building code official.

Section 5601.2.4 *Financial responsibility*. Change to read:

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

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

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

1. Fuel oil storage tanks for central heating systems which are existing and in use as of September 4, 1990.
2. Permanently mounted for permanently installed back-up power generators and pumps.
3. Approved quantities of approved flammable or combustible liquids when properly stored in storage rooms designed for such use as listed and approved by the director of building and code enforcement.
4. Maximum of two 1,000 gallon above-ground tanks per facility will be allowed for the storage of gasoline, diesel or other approved fuels and shall be in accordance with the following provisions:
  - a. Such tanks and installations shall comply with all provisions and requirements of the Office of the Illinois State Fire Marshal including issuance of a state permit, and applicable provisions of NFPA 30.
  - b. Such tanks and installations shall be approved on an individual basis and shall only be permitted when deemed necessary for the operation of the individual facility and shown to be compatible with the surrounding area and approved by the director of building and code enforcement.

(Ord. No. O-2020-05, § 1, 2-3-20)

**Secs. 22-127—22-129. Reserved.**

## **ARTICLE XI. PROPERTY MAINTENANCE CODE<sup>14</sup>**

### **Sec. 22-130. Adoption.**

The ICC International Property Maintenance Code/~~2018~~ 2024, including Appendix A, Boarding, as published by the International Code Council Inc., together with the additions, insertions, deletions and changes prescribed in this article, is hereby adopted by reference and is made a part of this article, the same as if fully set forth herein, as the standards, rules and regulations for the maintenance of buildings and structural appurtenances in the city.

Section 301 General. Insert the following:

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

(Ord. No. O-2020-05, § 1, 2-3-20)

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<sup>14</sup>Ord. No. O-2020-05, § 1, adopted Feb. 3, 2020, repealed Art. XI, §§ 22-130, 22-131 in their entirety and enacted a new Art. XI to read as set out herein. Former Art. XI pertained to similar subject matter and derived from the Code of 1996, §§ 22-130 and 22-131; and Ord. No. F-1774, § 1(exh. A), adopted April 21, 2014.

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



## 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/~~2018~~ 2024 adopted in section 22-130.
- (b) Any reference in the property maintenance code to the "code official" shall mean the director of building and code enforcement of the city.
- (c) Any reference in the property maintenance code to "name of jurisdiction" shall mean the City of Wheaton.
- (d) Any reference in the property maintenance code to the "chief appointing authority" shall mean the city manager or the city council, as prescribed by law.
- (e) Any reference in the property maintenance code to the "department of property maintenance inspection" shall mean the department of building and code enforcement of the city.
- (f) Any reference to the ICC International Zoning Code shall mean the zoning ordinance of the city.
- (g) Any reference in the property maintenance code to the date or time at which the provisions of such code became applicable shall mean the adopted date, which shall be the effective date of the ordinance from which this chapter is derived, or as provided by law.
- (h) The following sections or subsections of the property maintenance code are amended as indicated:

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

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

Section ~~102.6~~ 102.7 *Historic buildings*. Delete in its entirety.

Section ~~103.5~~ 104.1 *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~~ 107.4 *Violation penalties*. Change to read:

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

Section ~~107.2~~ 109.4.1 *Form, Items 5 and 6*. Delete in their entirety.

Section ~~110~~ 111 *Demolition*. Change to read:

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

Section ~~111~~ 106 *Means of appeals*. Change to read:

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

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

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

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

Section 301 *General*. Insert the following:

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

Section 302.1 *Sanitation*. Change to read:

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

Section 302.4 *Weeds*. Change to read:

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

Section 302.7 Accessory structures. Change to read:

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

Section 302.8 *Motor vehicles*. Change to read:

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

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

See Wheaton City Code section 42-22, graffiti.

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

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

Section 304.3 *Premises identification*. Change to read:

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

Section 304.6 *Exterior walls*. Add the following:

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

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

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

Section 304.14 *Insect screens*. Change to read:

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

Section 305.3 *Interior surfaces*. Change to read:



All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected. Surfaces shall have no signs of chronic or persistent excessive moisture. Materials discolored or deteriorated by water damage shall be cleaned, dried or otherwise repaired and the underlying cause shall be corrected.

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

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

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

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

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

Section 309.4 *Multiple occupancy*. Change to read:

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

Section 404.1 *Privacy*. Change to read:

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

Section 404.4.3 *Water closet accessibility*. Change to read:

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

Section 602.2 *Residential occupancies*. Change to read:

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees F in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature of -4 degrees F. 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~~ May 15.

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

When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating

system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be -4 degrees F.

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

September 15 and ~~June 1~~ May 15.

Add the following section:

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

Add the following section:

Section 608 Requirement to display certificate.

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

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

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

Appendix A Boarding Standards.

Replace the following:

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

Add the following:

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

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



**Secs. 22-132—22-149. Reserved**

## **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* means a lot which adjoins two (or more) intersecting streets.

*Corner side yard* means that portion of the lot adjoining a street not included in the front yard and shall extend from the front yard to the rear lot line. The depth of the corner side yard shall be the lesser of 20 feet or the distance from the corner side lot line to the adjacent side wall of the principal structure.

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

*Director* means the director of building and code enforcement.

*Double frontage lot* means a lot having two street lines parallel to and opposite each other forming the boundaries of the lot. Such lots shall be considered to have only one front yard and it shall be determined by the location of the front door.

*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.

*Front door* means the required egress door that provides a continuous and unobstructed path of travel from the principal structure directly into a yard that opens to a public street without requiring travel through a garage.

*Front of the principal structure* means the side where the front door is located.

*Front yard* means the yard between the front lot line and the principal structure with a line running generally parallel to the front lot line from the corner of the front elevation foundation closest to the side lot line.

*High volume streets* means a street that has a 24-hour traffic volume of 3,000 or more vehicles.

*Interior front yard* means an area of the front yard in a corner lot which is bounded by (1) the front lot line, (2) the side lot line which is adjacent to a side or rear lot line of another corner lot, (3) a line running generally parallel to the front lot line from the side lot line to the closest corner of the front elevation foundation of the principal structure, and (4) a line running generally parallel to the side lot line from the same corner of the elevation foundation to the front lot line.

*Lot* means a parcel of land which is either a "lot of record" or a "zoning lot."

*Lot line* means lot boundary line. See "Lot Line, Front;" "Lot Line, Rear;" and "Lot Line, Side."

*Lot line, front* means a street line forming the boundary of a lot. Lots having two street lines generally parallel to and opposite each other, forming the boundaries of the lot, shall be considered to have two front lot lines. (Such lots are commonly known as double frontage lots or through lots.) On corner lots, for fence placement purposes only, the yard where the front door of the principal structure faces the lot line shall be deemed the front yard.

*Lot line, rear* means the lot line that is most distant from, and is, or is most nearly, parallel to the front lot line. If a rear lot line is less than 15 feet (4.57 m.) long, or if the lot comes to a point at the rear, the rear lot line shall be a line at least 15 feet (4.57 m.) long, lying wholly within the lot, parallel to the front lot line.

*Lot line, side* means a lot line which is neither a front lot line nor a rear lot line.

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

*Principal structure* means a structure in which the principal or primary use on the lot is conducted.

*Shadow box or board-on-board fence* means a fence that is the same on both sides when mounted or installed between the vertical fence posts. A shadow box fence shall be considered open when such fence 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 boards.

*Split rail fence* means 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.

*Yard* means that portion of the lot which is not included within the front yard or corner side yard.

(Code 1996, § 22-150; Ord. No. F-1044, § 1, 5-16-2005; Ord. No. F-1087, § 1, 10-17-2005; Ord. No. F-2045, § 1, 11-20-2017; Ord. No. O-2023-45, § 1, 11-20-2023; Ord. No. O-2024-29, § 1, 11-4-2024)

## **Sec. 22-151. Nonconforming fences.**

Any and all fences erected, installed or maintained in violation of this chapter 22, article XII, which existed lawfully and have been made nonconforming by any and all amendments to the article may continue as nonconforming only in accordance with the following regulations:

- (1) A nonconforming fence, which is in need of repairs to or replacement of 25 percent or less of its total lineal footage due to deterioration or as a result of a casualty event, including, but not limited to, a fire, vehicle collision or an act of God shall either have:
  - a. The affected portion repaired or replaced, and it may continue to exist so long as restorative repairs are started within 30 days of notification to the property owner from the city that the fence violates any provision of this article, and such repairs are diligently prosecuted to completion, or within such additional period of time agreed to by the city; or
  - b. The entire fence removed or replaced with a fence which complies with all provisions of this article.
- (2) A nonconforming fence, which is in need of repairs to or replacement of more than 25 percent of its total lineal footage due to deterioration or as a result of a casualty event, including, but not limited to, a fire, vehicle collision or an act of God, shall have the entire fence removed or replaced with a fence which complies with all provisions of this article.
- (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 1996, § 22-151; Ord. No. F-1044, § 1, 5-16-2005; Ord. No. F-1087, § 1, 10-17-2005; Ord. No. F-2045, § 2, 11-20-2017; Ord. No. O-2023-45, § 1, 11-20-2023)

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

It is hereby made the duty of the director 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:

- (1) Has been erected in violation of the provisions of this article or any ordinance of the city.
- (2) Is in an unsafe condition or has become unstable or insecure.



(3) Is in such condition as to be hazardous to the safety or health of the public.

(Code 1996, § 22-152; Ord. No. F-1044, § 1, 5-16-2005; Ord. No. F-1087, § 1, 10-17-2005; Ord. No. O-2023-45, § 1, 11-20-2023)

### **Sec. 22-153. Notice of article violation.**

Should the director, upon examination and inspection of any fence, find any of the conditions enumerated in section 22-152 to exist, the director 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 unsafe or hazardous condition of such fence, and directing the property owner to make such fence comply with the requirements of this article, within such reasonable time as may be stated in such notice.

(Code 1996, § 22-153; Ord. No. F-1044, § 1, 5-16-2005; Ord. No. F-1087, § 1, 10-17-2005; Ord. No. O-2023-45, § 1, 11-20-2023)

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

Before the erection, enlargement or structural alteration of any fence, a permit shall be obtained by the property owner, or his agent, from the director; 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 1996, § 22-154; Ord. No. F-1044, § 1, 5-16-2005; Ord. No. F-1087, § 1, 10-17-2005; Ord. No. O-2023-45, § 1, 11-20-2023)

### **Sec. 22-155. Classification of fences.**

Fences shall be classified as either solid or open type.

(Code 1996, § 22-155; Ord. No. F-1044, § 1, 5-16-2005; Ord. No. F-1087, § 1, 10-17-2005)

### **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) 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.
- (c) Fences must maintain a continuous line, without missing sections.
- (d) 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 right-of-way.
- (e) Fences shall be located so that access to private property, adjacent parkways, public utilities, and alleyways are able to be maintained.

(Code 1996, § 22-156; Ord. No. F-1044, § 1, 5-16-2005; Ord. No. F-1087, § 1, 10-17-2005; Ord. No. F-1440, § 1, 8-3-2009; Ord. No. O-2023-45, § 1, 11-20-2023)

**Sec. 22-157. Maximum fence heights.**

- (a) Fences may be erected to a maximum height of six feet above grade except as permitted under subsection (e) of this section. Such fences may be either an open type or solid type fence.
- (b) Fences located in a front yard may be erected to a maximum height of three feet above grade. Such fences shall only be a decorative fence.
- (c) Fences located in a corner side yard may be erected to a maximum height of four feet above grade. Such fences shall be open type fences. Fences located in a corner side yard that are directly adjacent to any driveway, neighboring front yard, or right-of-way (including alleyways) that intersects the street shall be a decorative fence.
- (d) Fences located in an interior front yard may be erected to a maximum height of four feet above grade. Such fences shall be open type fences.
- (e) Fences installed within the corner side yard adjoining a high-volume street (identified below), and not directly adjacent to any driveway, neighboring front yard, or right-of-way (including alleyways) that intersects the high-volume street, may be erected to a maximum height of six feet above grade. Such fences may be an open type or solid type fence.

22 <sup>nd</sup> Street	Lorraine Road
Adare Drive	Main Street (north of Roosevelt)
Blanchard Street (south of Roosevelt)	Manchester Road
Briarcliffe Boulevard	Naperville Road
Brighton Drive	Orchard Road (south of Wiesbrook)
Butterfield Road	Plamondon Road
College Avenue (Washington to Hill)	President Street
County Farm Road	Roosevelt Road
Creekside Drive (east of Stonebridge)	Seminary Avenue (east of Main)
Danada Drive (Brighton to Naperville)	Shaffner Road
East Loop Road	Stonebridge Trail (north of Wiesbrook)
Ellis Avenue	Warrenville Road
Gables Boulevard (north of Childs)	Washington Street (Roosevelt to College)
Gary Avenue	Wesley Street
Geneva Road	West Loop Road
Harrison Avenue	West Street (Roosevelt to Harrison)
Jewell Road	Wiesbrook Road
Leask Lane	

- (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 RS) which separates such property from any business, multifamily (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) Structural elements of the fence may exceed the maximum height restrictions by no more than six inches. Fences shall be installed so that the bottom of the fence is generally no more than two inches above existing grade.



- (h) Fences that are to be used as a barrier for a swimming pool must comply with the provisions of this article and the barrier provisions specified in the current adopted edition of the International Swimming Pool and Spa Code.
- (i) Masonry pillars within a fence line shall meet the following:
  - (1) Maximum two feet by two feet in dimension.
  - (2) Must comply with the height requirements specified in section 22-157 for the location where the pillar is being installed.
  - (3) Masonry pillars are allowed to be situated on each side of a point of entry to the property, but otherwise must maintain a minimum eight-foot spacing between all other intermediate pillars.
  - (4) Light fixtures or ornamentation mounted to the top of the pillar shall be limited to a height of 18 inches and may be installed only at points of entry into the property.
  - (5) Light from the light fixtures must have minimal spread (no greater than 0.1 footcandle) beyond the property line onto adjoining private property.
- (j) 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 corner side yard.

(Code 1996, § 22-157; Ord. No. F-1044, § 1, 5-16-2005; Ord. No. F-1087, § 1, 10-17-2005; Ord. No. F-1440, § 2, 8-3-2009; Ord. No. F-2045, § 3, 11-20-2017; Ord. No. O-2023-45, § 1, 11-20-2023; Ord. No. O-2024-29, § 1, 11-4-2024)

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

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

(Code 1996, § 22-158; Ord. No. F-1044, § 1, 5-16-2005; Ord. No. F-1087, § 1, 10-17-2005; Ord. No. O-2023-45, § 1, 11-20-2023)

#### **Sec. 22-159. Electrically charged fences.**

The use of electrically charged fences is prohibited.

(Code 1996, § 22-159; Ord. No. F-1044, § 1, 5-16-2005; Ord. No. F-1087, § 1, 10-17-2005)

#### **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 1996, § 22-160; Ord. No. F-1044, § 1, 5-16-2005; Ord. No. F-1087, § 1, 10-17-2005)

#### **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 1996, § 22-161; Ord. No. F-1044, § 1, 5-16-2005; Ord. No. F-1087, § 1, 10-17-2005)

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

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

(Code 1996, § 22-162; Ord. No. F-1044, § 1, 5-16-2005; Ord. No. F-1087, § 1, 10-17-2005)

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

- (a) No chain link fence shall be permitted in any front yard or corner side yard, or, in the case of double frontage lots, the lot line adjacent to a high volume street. No chain link fence shall be permitted in any rear or side yard which is adjacent to a front yard of an adjoining property for the distance the yards are adjacent.
- (b) No chain link 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 may approve such petition only upon finding that the proposed fence would:
  - (1) Not alter the essential character of an area.
  - (2) Not set any unfavorable precedent either to the locality or the city as a whole.
  - (3) Not adversely affect the public safety and general welfare.
- (d) No gate or fence is permitted across a driveway within the front or corner side yard in a residential district.

(Code 1996, § 22-163; Ord. No. F-1044, § 1, 5-16-2005; Ord. No. F-1087, § 1, 10-17-2005; Ord. No. F-1440, § 3, 8-3-2009; Ord. No. O-2023-45, § 1, 11-20-2023)

**Sec. 22-163.1. Flagpoles to resist wind pressure.**

Any flagpoles shall be designed to resist a wind pressure of 1½ 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.

(Code 1996, § 22-163.1; Ord. No. F-1044, § 1, 5-16-2005; Ord. No. F-1087, § 1, 10-17-2005)

**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.

(Code 1996, § 22-164; Ord. No. F-1044, § 1, 5-16-2005; Ord. No. F-1087, § 1, 10-17-2005)

**Secs. 22-165—22-175. Reserved.**

**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:
  - a. Age, dilapidation;
  - b. Obsolescence;
  - c. Deterioration;
  - d. Illegal use of individual structures; presence of structures, or parts thereof, below minimum city and ICC International Code standards;
  - e. Excessive vacancies;
  - f. Overcrowding of structures and community facilities;
  - g. Lack of ventilation, light, or sanitary facilities;
  - h. Inadequate facilities;
  - i. Excessive land coverage;
  - j. Deleterious land use or layout; depreciation or lack of physical maintenance; or
  - k. 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:
  - a. Obsolete platting of the vacant land;
  - b. Diversity of ownership of such land;
  - c. Tax and special assessment delinquencies on the land;
  - d. 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 1996, § 22-176; Ord. No. F-1044, § 1, 5-16-2005)

### **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, to:

- (1) Approve all development and redevelopment proposals for any business or nonbusiness district.
- (2) Exercise the use of eminent domain for the acquisition of real and personal property for the purpose of a project.
- (3) Acquire, manage, convey or otherwise dispose of real and personal property acquired pursuant to the provisions of a redevelopment plan.
- (4) 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) Enter into contracts with any public or private agency, entity, corporation or person.
- (7) Sell, lease, trade or improve such real property as may be acquired in connection with a redevelopment plan.
- (8) Employ all such persons as may be necessary for the planning, administration and implementation of the redevelopment plan.
- (9) 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) Promulgate the provisions of this article pursuant to any specific ordinance pertaining to real estate designated to be within a redevelopment area.
- (11) Clear any area acquired by demolition or removal of existing buildings and structures.
- (12) 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:

- 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) 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) 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) 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) Acquire and construct public facilities within a redevelopment project area.
  - (17) Incur redevelopment project costs.
  - (18) Exercise any and all other powers necessary to effectuate and implement the purposes of this article.

(Code 1996, § 22-177; Ord. No. F-1044, § 1, 5-16-2005)

#### **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 1996, § 22-178; Ord. No. F-1044, § 1, 5-16-2005)

#### **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 1996, § 22-179; Ord. No. F-1044, § 1, 5-16-2005)

**Sec. 22-180. 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 1996, § 22-180; Ord. No. F-1044, § 1, 5-16-2005)

**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 1996, § 22-181; Ord. No. F-1044, § 1, 5-16-2005)

**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 1996, § 22-182; Ord. No. F-1044, § 1, 5-16-2005)

**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 1996, § 22-183; Ord. No. F-1044, § 1, 5-16-2005)

**Secs. 22-184—22-199. Reserved.****ARTICLE XIV. DEMOLITION OF BUILDINGS****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.

(Code 1996, § 22-200; Ord. No. F-1044, § 1, 5-16-2005)

## **Sec. 22-201. 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:

*Demolition* means the razing and removal of all or substantially all of a structure.

*Demolition site* means the parcel or portion of parcel upon which the demolition is to take.

*Department* means the city's building and code enforcement department.

*Detached garage or a detached roofed structure* means a structure which is subordinate to and serves a principal structure; is subordinate in area, extent, and purpose to the principal structure; contributes or has contributed to the storage of one or more motor vehicles, storage of belongings, or convenience of the principal structure; and is located on the same parcel of property as the principal structure.

*Director* means the city's director of building and code enforcement.

*Property* means the property on which the structure to be demolished is located.

*Security* means a cash demolition bond or letter of credit.

*Principal structure* means the building in which the principal or primary use on the lot is conducted.

*Structure* means 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.

(Code 1996, § 22-201; Ord. No. F-1044, § 1, 5-16-2005; Ord. No. O-2023-44, § 1, 11-20-2023)

## **Sec. 22-202. Application.**

(a) *Principal structure*. In order to obtain a permit for the demolition of any principal structure, a permit application shall be completed and submitted to the director. The permit application shall include the following information/documents:

- (1) Location of property; legal description; legal owner of property.
- (2) Plat of survey for the property.
- (3) Plan identifying structures to be demolished.
- (4) Specific plans for the reuse of the property. Building plans and specifications prepared in compliance with the provisions of this chapter for any new structure to be built on the subject property.
- (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, stormwater management, utility disconnections and the like.
- (6) Stormwater management plans. Detailed plans and specifications for stormwater management, soil erosion control, and grading on the subject property, which shall be made in conformance with the requirements of the city's stormwater management ordinance. Such plans and specifications shall be



on a drawing or drawings separate from all other plans and specifications, labeled as "stormwater management plans."

- (7) List of adjacent properties. 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 subject property, along with a sworn affidavit certifying that the list is complete, accurate, and that the mailing requirements set forth in section 22-203(b) have been met.
  - (8) Tree preservation plan. A tree preservation plan 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 as a result of the demolition or reuse of the subject property and provide for their replacement in conformance with the city zoning ordinance.
  - (9) Traffic control plan. A traffic control plan that depicts the subject property, surrounding roads, lots, and parking lots that indicates where construction vehicles and workers will be parking during the duration of the demolition of the structure. The city may make revisions to the traffic control plan based upon the volume of traffic on the road, width of the road, existing no-parking restrictions, location of drive approaches and the time of work.
  - (10) Statement of intent to recycle applicable construction debris. A statement of intent indicating that the waste hauler that will be utilized to remove the construction debris from the demolition site will transport the debris to a recycling facility that will sort and recycle the appropriate materials. The waste hauler and recycling center to be used shall be identified within the statement of intent.
  - (11) IEPA approval. If the structure to be demolished is subject to Illinois Environment Protection Agency (the "IEPA") regulations, copies of any applications or other documents required by the IEPA.
  - (12) If applicable, a copy of the asbestos inspector's license and report certifying the condition of the structure.
  - (13) The department shall not consider any application for the demolition of a principal structure unless the applicant furnishes all information/documents required by this article.
- (b) *Detached garage or detached roofed structure.* Permit applications for the demolition of a detached garage or a detached roofed structure with a foundation and served by either electric, water, or natural gas shall be submitted to the director, along with the following information/documents:
- (1) Location of property; legal description; legal owner of the 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. Building plans and specifications prepared in compliance with the provisions of this chapter for any new structure to be built on the property.
  - (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, stormwater management, utility disconnections and the like.
  - (6) Tree preservation plan. A tree preservation plan 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 as a result of the demolition or reuse of the property and provide for their replacement in conformance with the city zoning ordinance.

- (c) *Interior demolition.* Permit applications for interior demolition (except single-family structures) shall include a description of the demolition work and a floor plan identifying the location of any structural components that shall be removed.

(Code 1996, § 22-202; Ord. No. F-1044, § 1, 5-16-2005; Ord. No. F-1185, § 2, 7-5-2006; Ord. No. O-2023-44, § 1, 11-20-2023)

### **Sec. 22-203. Procedures for permit approval.**

- (a) *Application review.* The department will be responsible for the processing and review of any demolition permit application. As part of the review process, an inspection of the property may be performed by the department.
- (b) *Notification.*
- (1) Within five business days of receipt of a complete permit application for demolition of a principal structure, the department shall place a sign noticing the proposed demolition on the subject property.
  - (2) The applicant/owners of the subject property shall make written notification to the adjacent property owners via certified mail, return receipt requested, at least 14 days prior to submitting an application for demolition. For purposes of this section, an "adjacent" property shall be any property having any common boundary with the subject property and property which would have a common boundary if not interrupted by a street, alley or other right-of-way.

The purpose of the notification is not to secure any form of approval from the adjacent property owners, but to ensure that the adjacent property owners have had an opportunity to learn, in general terms, about the demolition of a principal structure.

The content of the written notification shall include the address of the subject property, the name and contact information of the property owner, the scope of work, the timetable for the work, and a site plan. The applicant shall also provide the adjacent property owners with a city-prepared informational handout that includes a summary of construction regulations and procedures.

- (c) *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.

(Code 1996, § 22-205; Ord. No. F-1044, § 1, 5-16-2005; Ord. No. F-1133, § 1, 1-6-2006; Ord. No. F-1185, § 1, 7-5-2006; Ord. No. O-2023-44, § 1, 11-20-2023)

Ord. No. O-2023-44, § 1, adopted Nov. 20, 2023, repealed §§ 22-203 and 22-204 and subsequently renumbered the former §§ 22-205—22-208 as §§ 22-203—22-206. Former §§ 22-203 and 22-204 pertained to hazardous structures and emergency demolition, and derived from Code 1996, § 22-203; and Ord. No. F-1044, § 1, adopted May 16, 2005.

### **Sec. 22-204. Review standards, requirements.**

- (a) *General standards.*
- (1) The department will review all demolition permit applications in accordance with this article and the ordinances of the city, together with the following standards:
    - a. The granting of a permit shall not be detrimental to the public health, safety, and general welfare of the community.
    - b. All required site components of the approved demolition plan shall be in place and inspected for code compliance prior to issuance of a permit.

- c. The applicant shall be required to submit to the city proof of disconnection of utilities prior to issuance of the demolition permit.
- (2) The city 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 requirement.* Any demolition which takes place shall be done in accordance with the provisions of the ICC International Building Codes in force at the time of issuance of the permit, the requirements of this Code, and any additional requirements or conditions as placed on the applicant by the city.
- (c) *Inspection.* All structures proposed for demolition shall be examined by a state-licensed asbestos building inspector at the owner's expense who shall inspect all accessible areas of the dwelling proposed for demolition to determine if asbestos-containing building materials are present. The inspection shall include, but not be limited to, pipes, beams, walls, ceilings, floors, furnace, boiler, water storage tanks, wall panels, insulation, siding, roofing and other potential asbestos-containing materials. In the event that suspect asbestos is found at the property, laboratory testing shall be performed, and if regulated friable asbestos material is present, removal and disposal of the asbestos shall be undertaken in conformance with all applicable laws, rules and regulations. Any plan for removal and disposal shall be confirmed in a report submitted to the city by the applicant's state-licensed asbestos building inspector. The director may in his discretion submit the findings of any such inspector for review by an environmental consultant of its choice prior to approval of demolition permit. The review costs by any environmental consultant retained by the city shall be paid by the demolition permit applicant prior to issuance of the demolition permit.
- (d) *Particulate control.* Airborne particles shall be controlled at all demolition sites 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 to thoroughly control 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. If the city's water system is used, the demolition contractor shall obtain a hydrant meter and the permit/applicant shall pay the city for the retail value of the water used. The water shall be delivered from the water source by a hose with a minimum diameter of one and one-half inches. The water source for controlling airborne particles shall be identified on the demolition permit application. In the event that a water tanker truck is utilized to provide the water source, the name, address and telephone number of the entity providing such service shall be identified on the demolition permit.
- (e) *Safety fencing.* Fencing shall be installed as required by section 22-6. Such fencing shall be removed no later than the completion of restoration as required by subsection (f) of this section.
- (f) *Duration of demolition and restoration.*
  - (1) If a new structure was not proposed to be constructed at the time the permit application was submitted, then the demolition of a structure and the restoration of all associated site features shall be completed within 30 days of the start of demolition.
  - (2) If a new structure was proposed to be constructed at the time the permit application was submitted, and the construction of said new structure has not commenced within 30 days of demolition, the subject property shall be restored within 15 days thereafter.
  - (3) Restoration of the property shall include without limitation: permanent disconnection of sewer and water at mains, final grading and seeding, the removal of dangerous conditions, rubbish and debris, restoration of damaged public property and removal of safety and tree protection fencing. If weather does not allow final grading and seeding, the department may allow rough grading until weather conditions permit final grading. Silt fencing and other stormwater measures shall remain in place in accordance with city stormwater ordinance.
- (g) *Demolition security.* The applicant shall post with the city, at time of issuance of permit for the demolition of a principal structure, security in the form as prescribed by the department in the amount of three percent of



the cost of demolition or \$10,000.00, whichever is greater. Such security 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 security 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 security. If the city draws on the security, then the applicant shall replenish the security 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 security 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 security.
  - (3) Return of unused security. Upon the completion of demolition, the permit holder shall submit a written request for refund of the security. The city shall return any unused portion of the security to the applicant, without interest, within 30 days after final demolition inspection of the subject property and approval of the completed demolition by the director. A property where construction of a new principal structure has not commenced within 30 days of demolition, shall be restored as required by subsection (g) of this section before the security can be returned. For a property that has been issued a building permit for a new structure and construction has begun within 30 days of completion of demolition, items to be completed prior to return of the security shall include, but not be limited to, removal of all debris, rough grading of site, safety, tree and silt fencing in place and maintained, temporary disconnection of sewer and water services, sidewalk street and parkway clean and clear of obstructions. Where construction has not commenced within 30 days of the completion of demolition and the director has allowed rough grading due to weather conditions, the security shall not be returned until final grading and seeding has been completed.
- (h) *Notification of demolition activities.*
- (1) The person/entity obtaining a demolition permit shall contact the department at least one business day prior to the commencement of any approved demolition activities and identify the date and time of all scheduled demolition. In the event that the schedule is altered in any way, the city shall be provided notice of any and all such alterations, at least one business day prior to the alteration, in the same manner provided herein. The person/entity referenced above shall also notify the city on the day that demolition has been completed, in the same manner provided herein. A failure to comply with this section results in a separate violation for each day in which demolition activities proceed without proper notice.
  - (2) Two brightly colored placards shall be provided by the city and posted in a conspicuous location by the permit holder or property owner. The placard shall identify the scheduled date of the demolition and shall be posted no more than ten days prior and not less than three days prior to the scheduled demolition date.
- (i) *Portable toilet.* During demolition, the site shall be provided with portable temporary restroom facilities in the manner provided by the Illinois Construction Site Temporary Restroom Facility Act, 410 ILCS 37/10. The location of the portable toilet shall be located as close to the center of the lot as possible and away from the adjacent properties, and shall not be placed on city rights-of-way, including, but not limited to, parkways or sidewalks.

(Code 1996, § 22-206; Ord. No. F-1044, § 1, 5-16-2005; Ord. No. F-1185, §§ 1, 2, 7-5-2006; Ord. No. F-1396, § 2, 12-1-2008; Ord. No. O-2023-44, § 1, 11-20-2023)

Editor's note(s)—Former § 22-206, see Editor's Note at § 22-203.

**Sec. 22-205. Fees.**

A nonrefundable fee in accordance with appendix B to 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. Permit fees as required by other codes and ordinances of the city may also be required.

(Code 1996, § 22-207; Ord. No. F-1044, § 1, 5-16-2005; Ord. No. O-2023-44, § 1, 11-20-2023)

Editor's note(s)—Former § 22-207, see Editor's Note at § 22-203.

**Sec. 22-206. Penalty for violation of article.**

If any structure is demolished without complying with this article:

- (1) The owner of the subject property, demolition permit applicant and any other person or entity participating in any demolition activities on the subject property, including those involved in particulate control, shall each be subject to a separate fine of not less than \$2,000.00 or more than \$5,000.00 per day for each separate violation; and
- (2) Until the owner of the subject property pays any and all fines for violations of the provisions of this article, no building permits shall be issued for the construction of any improvement on the subject property and any active permits shall be suspended.

(Code 1996, § 22-208; Ord. No. F-1044, § 1, 5-16-2005; Ord. No. F-1185, § 1, 7-5-2006; Ord. No. O-2023-44, § 1, 11-20-2023)

Editor's note(s)—Former § 22-208, see Editor's Note at § 22-203.

**Secs. 22-207, 22-208. Reserved.**

## **ARTICLE XV. UNIFORM STANDARDS FOR THE INSTALLATION, MAINTENANCE AND TRANSMISSION FOR PRIVATE ALARM SYSTEMS CONNECTED TO THE CITY'S WIRELESS ALARM NETWORK**

**Sec. 22-209. Fire alarm system performance.**

The owner of any property required to install a fire alarm system, or any property owner or subscriber who elects to install a discretionary fire alarm system, shall install and maintain a system to monitor and transmit activated premise's alarms, supervisory and trouble signals at a transmission rate to the city's dispatch center of no more than 30 seconds and proven technology minimizing the occurrence of false alarms per an alternative private fire alarm system to the same degree as the city's wireless system. The city's fire chief shall review and evaluate the performance standards for fire alarm monitoring systems to ensure compliance with this section. No fire alarm monitoring system shall be allowed by the fire chief unless it at all times has a documented or tested transmission time to the city's dispatch center of 30 seconds or less and a documented or tested rate of false alarms consistent with the per false alarm rate average of the city's wireless alarm system.

(Code 1996, § 22-209; Ord. No. F-1498, § 1, 6-21-2010; Ord. No. F-1928, § 1, 4-4-2016)

**Sec. 22-210. Choice of fire alarm monitoring systems.**

An owner of property, licensee, or subscriber, may elect to:

- (1) Contract with the city through the city's contractor to provide the equipment and operations necessary to comply with section 22-209; or
- (2) Provide such service through a private company so long as the property owner, licensee or subscriber has a private company alarm system that fully complies with all requirements of section 22-209.

(Code 1996, § 22-217; Ord. No. F-1498, § 1, 6-21-2010; Ord. No. F-1928, § 1, 4-4-2016)

#### **Sec. 22-211. Proof of performance.**

Prior to the installation of the fire alarm monitoring system by a private company, a subscriber shall register the fire alarm monitoring system with the city fire chief providing all technical data to establish compliance with the minimum performance standards required for the system in accordance with section 22-209. Any system which is installed and fails to meet the performance standards set forth in section 22-209 shall have 30 days from date of written notice from the city of noncompliance with the foregoing performance standards to fully comply with the minimum performance standards or shall, immediately after the 30 days, remove and replace any non-performing fire alarm monitoring system with a compliant fire alarm monitoring system.

(Ord. No. F-1928, § 1, 4-4-2016)

#### **Sec. 22-212. Wireless fire alarm transceiver equipment installation and maintenance.**

The installation and the annual required maintenance, testing and repair of the city's wireless radio transceiver at the subscriber's premises will be completed by the city's designated contractor, in the case of subscribers to the city wireless alarm system, or by the private contractor in the case of a fire chief authorized fire alarm monitoring system provided by that private contractor. Subscribers to the city's wireless alarm monitoring system will be advised of the city's contractor's identity. Subscribers to the city's system shall allow the city's contractor to have access to the radio transceiver during normal business hours for all necessary and required installation, annual and necessary maintenance, testing, and repair to ensure that the system remains code compliant. Subscribers using a private company shall allow that private company to have access to the radio transceiver during normal business hours for all required and necessary installation, annual and necessary maintenance, testing and repair to ensure that the system remains code compliant. For city fire alarm monitoring system subscribers, the city will lease the radio transceiver to the subscriber. The radio transceiver will remain the property of the city or its designated contractor.

(Code 1996, § 22-211; Ord. No. F-1498, § 1, 6-21-2010; Ord. No. F-1928, § 1, 4-4-2016)

#### **Sec. 22-213. City fire alarm monitoring fees and other charges.**

Upon connection to the city's fire alarm monitoring system, the subscriber shall pay the city an inclusive monitoring and radio fee as set forth in subsection B-11 of appendix B (fee schedule) of this Code. All other charges associated with the connection to the city's fire alarm monitoring system, installation of appropriate equipment and maintenance of the equipment shall be those imposed as set forth in appendix B's fee schedule and as may be amended from time to time. Private fire alarm monitoring fees shall be as determined by the private provider.

(Code 1996, § 22-213; Ord. No. F-1498, § 1, 6-21-2010; Ord. No. F-1928, § 1, 4-4-2016)

#### **Sec. 22-214. Fire alarm monitoring registration.**

All connections required by this article shall be preceded by a registration of the system by the subscriber. The alarm registration form, including all of its conditions, shall be a mandatory requirement and condition for each subscriber. The registration form shall be exclusively provided by the city and shall include a copy of this article. The city's registration form for the city wireless alarm system shall include its terms of service and costs.



(Code 1996, § 22-214; Ord. No. F-1498, § 1, 6-21-2010; Ord. No. F-1928, § 1, 4-4-2016)

#### **Sec. 22-215. Alarm system maintenance.**

The installation and the annual required maintenance, testing and repair of all fire alarm monitoring systems at the subscriber's premises shall be completed in accordance with applicable codes and ordinances of the city. While the city will repair and maintain its fire alarm monitoring equipment, including the radio transceiver at the subscriber's location, it will be the responsibility of the subscriber containing a fire alarm monitoring system to provide the required annual and periodic testing for all components.

(Code 1996, § 22-215; Ord. No. F-1498, § 1, 6-21-2010; Ord. No. F-1928, § 1, 4-4-2016)

#### **Sec. 22-216. Change in ownership of subscriber's premises.**

A lease, sale or transfer of a property owner's premises shall not relieve the property owner of the duties and obligations under the terms of this article. In the case that a subscriber vacates a premises having a fire alarm system with fees due the city, the owner shall be responsible to pay the delinquent fees. No re-occupancy of the premises shall be allowed until the delinquent fees are paid in full.

(Code 1996, § 22-218; Ord. No. F-1498, § 1, 6-21-2010; Ord. No. F-1928, § 1, 4-4-2016)

#### **Sec. 22-217. No warranties or representations.**

Nothing in this article shall constitute a representation or warranty that a fire monitoring alarm system will prevent any loss by fire, burglary, or otherwise; or that the system will in all cases provide the protection for which it is installed or intended. The city makes no representations, warranties or promises, either expressed or implied, as to any matter whatsoever, including without limitation the condition of the equipment, its merchantability, or its fitness for a particular purpose. A subscriber may not rely on any representation or warranties by the city, expressed or implied, and nothing in this article or requirements of this article shall be deemed to create any expressed or implied warranty with regard to the alarm system or any of its components.

(Code 1996, § 22-219; Ord. No. F-1498, § 1, 6-21-2010; Ord. No. F-1928, § 1, 4-4-2016)

#### **Sec. 22-218. City is not an insurer.**

The city is not an insurer under this article and the subscribers assume all risk of loss or damage to the subscriber's premises or contents thereof. The subscriber shall have the right to purchase whatever insurance the subscriber requires in order to protect their property and/or persons from injury or property damage. Neither does this article create any certainty with regard to the response time of any fire department or police department should one or both of these departments be dispatched as a result of a signal being received by the equipment required by this article. Nothing in this article waives or releases any and all statutory or common law immunities or privileges of the city which are specifically reserved.

(Code 1996, § 22-220; Ord. No. F-1498, § 1, 6-21-2010; Ord. No. F-1928, § 1, 4-4-2016)

#### **Secs. 22-219—22-224. Reserved.**

## **ARTICLE XVI. EXISTING BUILDING CODE**

## Sec. 22-225. Adoption.

The ICC International Existing Building Code/~~2018~~ 2024 with referenced standards and Appendices B and Resource A as published by the International Code Council, Inc., together with the additions, insertions, deletions and changes prescribed in this article, is hereby adopted by reference and made a part of this article the same as if fully set forth herein as the standards, rules and regulations for the design, construction, alteration, repair, use and maintenance of existing buildings and structural appurtenances in the city.

(Ord. No. O-2020-05, § 1, 2-3-20)

## Sec. 22-226. Amendments.

- (a) The additions, insertions, deletions, and changes set out in this section are hereby made to the ICC International Existing Building Code /~~2018~~ 2024 adopted in section 22-225.
- (b) Any reference in the existing building code to the "code official" shall mean the director of building and code enforcement of the city.
- (c) Any reference in the existing building code to the "name of jurisdiction" shall mean the city.
- (d) Any reference in the existing building code to the "chief appointing authority" shall mean the city manager or the city council, as prescribed by ordinance.
- (e) Any reference in the existing building code to the "department of inspection" shall mean the department of building and code enforcement of the city.
- (f) Any reference in the existing building code to the date or time at which the provisions of such code became applicable shall mean the adopted date of the Ordinance # O- 2020-05 or the effective date of the adoption of the amendment to O-2020-05.
- (g) The following sections or subsections of the existing building code are amended as indicated:

Section 108.2 *Fees*. Insert the following:

Wheaton City Code, appendix B, fee schedule.

~~Section 109.112 Means of Appeals.~~ Delete in its entirety.

Section ~~112~~ 113 Board of appeals. Change to read:

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

Section 113.4 *Violation penalties*. Change to read:

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

~~Section 114.4 Stop work orders.~~ Add:

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

Section ~~301.1~~ 1301.1, 501.1.2, 601.1.2, 701.2.1, ~~801.1.2~~ 801.1.1, ~~901.1.2~~ 901.1.1, ~~1001.1.2~~ 1001.1.1, ~~1101.1.2~~ 1101.1.1 and ~~1301.1.2~~ 1301.1.1 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] 1103.7.7. However, if the cost of proposed construction is at least 50 percent of the value of the building, sprinklers shall be installed in accordance with Section [F] 1103.5.5. The value of the building or structure (excluding land) shall be established by the Milton Township Assessors' assessment records for the year prior to the initial remodeling or reconstruction. Owners of tax-exempt properties shall produce documentation verifying the building's valuation, which will be subject to the review and approval of the building code official. Compliance with this section is mandatory once either of the aforementioned conditions is met despite any efforts to comply with other sections of this chapter and should not be construed to reduce or invalidate any other obligations contained herein.

(Ord. No. O-2020-05, § 1, 2-3-20)

**Secs. 22-227—22-234. Reserved.**

## **ARTICLE XVII. SWIMMING POOL AND SPA CODE**

### **Sec. 22-235. Adoption.**

The ICC International Swimming Pool and Spa Code/~~2018~~ 2024 as published by the International Code Council, Inc., together with the additions, insertions, deletions, and changes prescribed in this article, is hereby adopted by reference, and made a part of this article the same as if fully set forth herein as the standards, rules and regulations for the design, construction, alteration, repair, use and maintenance of swimming pools, spas and appurtenances in the city.

(Ord. No. O-2020-05, § 1, 2-3-20)

### **Sec. 22-236. Amendments.**

- (a) The additions, insertions, deletions, and changes set out in this section are hereby made to the ICC International Swimming Pool and Spa Code /~~2018~~ 2024 adopted in section 22-235.
- (b) Any reference in the swimming pool and spa code to the "code official" shall mean the director of building and code enforcement of the city.
- (c) Any reference in the swimming pool and spa code to the "name of jurisdiction" shall mean the city.
- (d) Any reference in the swimming pool and spa code to the "chief appointing authority" shall mean the city manager or the city council, as prescribed by ordinance.
- (e) Any reference in the swimming pool and spa code to the "department of inspection" shall mean the department of building and code enforcement of the city.
- (f) Any reference in the swimming pool and spa code to the date or time at which the provisions of such code became applicable shall mean the adopted date, which shall be the effective date of the ordinance from which this article is derived, or as provided by law.
- (g) The following sections or subsections of the swimming pool and spa code are amended as indicated:

Section ~~105.6.2~~ 109.2 Fees. Insert the following:

Wheaton City Code, appendix B, fee schedule.

Section 105.6.3 Fee refunds.

Wheaton City Code, appendix B, fee schedule.



Section ~~107.4~~ **113.4** *Violation penalties.* Change to read:

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

~~Section 107.5 Stop work orders.~~ Change to read:

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

Section ~~108~~ **112** Means of appeals. Change to read:

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

Section 305.1 Barrier Requirements. Change to read:

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

(Ord. No. O-2020-05, § 1, 2-3-20)

**Secs. 22-237—22-244. Reserved.**

## **ARTICLE XVIII. SOLAR ENERGY CODE**

### **Sec. 22-245. Adoption.**

The ICC International Solar Energy Provisions/~~2018~~ **2021** as published by the International Code Council, Inc., together with the additions, insertions, deletions, and changes prescribed in this article, is hereby adopted by reference, and made a part of this article the same as if fully set forth herein as the standards, rules and regulations for the design, construction, alteration, repair, use and maintenance of solar energy instruments in the city.

(Ord. No. O-2020-05, § 1, 2-3-20)

### **Sec. 22-246. Amendments.**

- (a) The additions, insertions, deletions, and changes set out in this section are hereby made to the ICC International Solar Energy Provisions /~~2018~~ **2021** adopted in section 22-245.
- (b) Any reference in the solar energy provisions code to the "code official" shall mean the director of building and code enforcement of the city.
- (c) Any reference in the solar energy provisions code to the "name of jurisdiction" shall mean the city.
- (d) Any reference in the solar energy provisions code to the "chief appointing authority" shall mean the city manager or the city council, as prescribed by ordinance.

- (e) Any reference in the solar energy provisions code to the "department of inspection" shall mean the department of building and code enforcement of the city.
- (f) Any reference in the solar energy provisions code to the date or time at which the provisions of such code became applicable shall mean the adopted date of the ordinance # O-2020-05 or the effective date of the adoption of the amendment to O-2020-05.

- (g) The following sections or subsections of the solar energy provisions code are amended as indicated:

Section CS107 Means of appeals. Change to read:

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

Section RS406.4 (R328.4) Locations. Change to read:

ESS shall be installed only in the following locations:

1. Detached garages and detached accessory structures.
2. Attached garages separated from the *dwelling unit* living space in accordance with Section (R302.6).
3. Outdoors or on the exterior side of exterior walls located not less than 3 feet (914 mm) from doors and windows directly entering the *dwelling unit*.
4. ~~Enclosed utility closets, basements, storage or utility spaces within *dwelling units* with finished or noncombustible walls and ceilings. Walls and ceilings of unfinished wood-framed construction shall be provided with not less than  $\frac{5}{8}$  inch (15.9 mm) Type X gypsum wallboard.~~

ESS shall not be installed in sleeping rooms, or closets or spaces opening directly into sleeping rooms.

(Ord. No. O-2020-05, § 1, 2-3-20)



## Appendix B Fee Schedule

B-7 Community Development Fees (Building, Engineering and Planning Depts.)		
(A) Building and code enforcement department		
1. Building, plan review, permit and inspection fees	(Chapter 22) Per plans/per valuation	
For permit fees determined by building valuation: The application shall provide an estimated building valuation at the time of application. The building valuation shall include the total cost of construction materials and labor for the types of work for which the permit is to be issued. The building valuation does not include such items as appliances, decorations, furnishings or non-building items.		
If, in the opinion of the director of building and code enforcement, the building valuation is underestimated on the permit application, the application will be denied, unless the applicant is able to provide detailed information in support of the estimate to meet the approval of the director of building and code enforcement. In the event of a dispute, the director will use the most recent edition of "R.S. Means Square Foot Costs" book; the applicant may provide a copy of the contract for work. The final building valuation will be set by the director.		
a. Examination of plans, issuance of permits, and inspections for all new detached and attached single family dwellings (R3 and R4 uses):	\$6,000.00	
\$2000.00 Non-refundable submittal fee + \$4000.00 due at permit issuance.		
b. These fees apply to new, alterations, additions and remodeling of all building construction for multiple-family dwellings, commercial, office, institutional, and all other types of buildings, except for any new attached or detached single-family dwelling (R3 and R4 uses) requiring a permit. Fees are calculated based on the value/cost of work, including material and labor at prevailing rates (excluding electrical, plumbing, mechanical, and fire protection). Submittal Fees will be required for the following projects:		
1. All new multiple-family dwellings, commercial, office, institutional, and all other types of new commercial use buildings: A non-refundable \$2000.00 submittal fee is required for plan review. This fee shall be applied to the overall permit cost.		
2. For additions adding a minimum of 50% to the square footage of the existing footprint: A non-refundable \$1000.00 submittal fee is required for plan review. This fee shall be applied to the overall permit cost.		
3. For interior remodels exceeding 50% of the existing square footage: A non-refundable \$500.00 submittal fee is required for plan review. This fee shall be applied to the overall permit cost.		
Value of building:		
\$0.00—\$5,000.00	\$100.00	
\$5,001.00—\$10,000.00	\$150.00	
\$10,001.00—\$20,000.00	\$200.00	
\$20,001.00—\$30,000.00	\$400.00	
\$30,001.00—\$40,000.00	\$540.00	
\$40,001.00—\$50,000.00	\$720.00	
\$50,001.00—\$60,000.00	\$900.00	
\$60,001.00—\$70,000.00	\$1,080.00	



\$70,001.00—\$80,000.00	\$1,260.00	
\$80,001.00—\$90,000.00	\$1,440.00	
\$90,001.00—\$100,000.00	\$1,620.00	
\$100,001.00—Over	\$1,620.00	
Plus, for each \$1,000.00 or part thereof over \$100,001.00	\$5.00	