

CHAPTER 30. BUILDING CODE

30.01 Adoption of Regulations and Public Records by Reference: That certain documents, being marked and designated as “The BOCA National Building Code, Fourteenth Edition, 1999”, as published by the Building Officials and Code Administrators International, Inc., the One and Two Family Dwelling Code, 1998, the Illinois State Plumbing Code, 1998, the Illinois Department of Public Health, Private Sewage Disposal Code, 1999, and the National Electric Code, 1999 Edition, published by the National Fire Protection Association, Inc., be and are hereby adopted as the Building Code of the Village of Pesotum and each and all of the regulations, provisions, conditions, and terms thereof are hereby referred to, adopted and made a part hereof, as if fully set out in this Ordinance with the additions, insertions, deletions and changes prescribed in this Ordinance, all as authorized by 65 ILCS 5 / 1-3-2, et seq.; provided, however, that as such codes are amended from time to time in the future, such future versions or editions of such codes shall from this time forward be adopted as the Building Code of the Village of Pesotum, except to the extent that such future amendments are otherwise inconsistent with the chapters of any such code concerning the administration thereof within the Village which shall not be amended by a form of incorporation by reference. It is recognized that the Village of Pesotum is a small community with a limited number of construction, reconstruction, alteration or installation projects which require permits. However, in the event of a conflict or inconsistency between one or more provisions of the respective documents adopted by this reference, the applicable provisions governing in such a situation shall be the provision contained in the last mentioned document of the following: The BOCA, National Building Code, Fourteenth Edition, 1999, as amended from time to time, the One and Two Family Dwelling Code, 1998, as amended from time to time, the Illinois State Plumbing Code, 1998, as amended from time to time, the Illinois Department of Public Health, Private Sewage Disposal Code, 1999, as amended from time to time and the National Electric Code, 1999 Edition, as amended from time to time. Any other provisions of previous Section 30.04 of the Building Code not heretofore stated as being amended, or otherwise treated herein, are repealed.

30.02 Copies to be Provided: There shall be kept and preserved in the office of the Village Clerk of the Village of Pesotum, at least three (3) copies of “The BOCA National Building Code, Fourteenth Edition, 1999, as amended from time to time, the One and Two Family Dwelling Code, 1998, as amended from time to time, the Illinois State Plumbing Code, 1998, as amended from time to time, the Illinois Department of Public Health, Private Sewage Disposal Code, 1999, as amended from time to time and the National Electric Code, 1999 Edition, published by the National Fire Protection Association, Inc., as amended from time to time, all of which shall be available for public inspection and use at reasonable times.

30.03 Enforcement of the Building Code and Title of Ordinance: The Building Inspector of Village of Pesotum shall be the building or code official responsible for the enforcement of this Ordinance, which shall be referred to as “The Village of Pesotum, Illinois Building Code”.

30.04 Additions, Insertions, Deletions, and Changes:

30.04.01 The following Sections of the BOCA National Building Code, Fourteenth Edition, 1999 are hereby amended as follows:

(Revised: 82-1)
30.01 & 30.02 only

(Revised: 84-1)
30.01 & 30.02 only

(Revised: 00-1)
30.01 through 30.04.03

- A. Section 101.1 (page 1, second line) Insert “Village of Pesotum”.
- B. Section 104.0 (pages 1 and 2, entitled “Department of Building Inspection”) is deleted.
- C. Section 109.1 (page 4, entitled “General”) shall provide:
“Pursuant to a variance granted by the Board of Trustees under the provisions of Section 30.10 of the village Code, the code official shall issue a permit for temporary construction as approved by Board of Trustees. Such permits shall be limited as to time, but such temporary construction shall not be permitted for more than one year.”
- D. Section 109.3 (page 4, entitled “Termination of Approval”) shall provide: “The code official is hereby authorized to terminate such special approval and to order the demolition of any such construction at his discretion, or as directed by a decision of the Board of Trustees.”
- E. Section 112.3 (page 4, entitled “New Construction and Alteration”) shall provide: “The fee for a building permit for all structures intended for residential dwellings shall be \$150.00; and for commercial or industrial use shall be \$300.00; for detached residential garages or additions to existing to residence dwellings the fee shall be \$50.00; for additions to commercial or industrial structures, the fee shall be \$100.00; for all other structures, including, without limitation sheds, fences, signs and other miscellaneous structures, the fee shall be \$25.00; for a building permit for the removal of a building or structure from one lot to another or to a new location on the same lot shall be the same fee as provided herein for a permit to build such a building or structure; the fee for demolition or removal of a building shall be \$25.00.”
- F. Section 112.5 (pate 5, entitled “Refunds”) is deleted.
- G. Section 116.0 (pate 5, entitled “Violations”) is deleted. (See the Sections 30.06 and 30.07 hereafter).
- H. Section 117.2 (pate 6, entitled “Unlawful continuance”) is deleted. (See Section 30.08 hereafter).
- I. Section 30.09 of the Village Code entitled “Right of Condemnation” is repealed. (See replacement Section 119.1 of the BOCA National Building Code, Fourteenth Edition, 1999, as amended from time to time.)
- J. Section 121.0 (pate 7, entitled “Means Of Appeal”) is deleted. (See Section 30.10 hereafter).

30.04.02 The following sections of the One and Two Family Dwelling Code, 1998, are hereby revised as follows:

- A. Section 101.1 (page 1 second line) insert “Village of Pesotum” after the word “of”.
- B. Section 107 (page 1, entitled “Right of Appeal”) is deleted. (See Section 30.10 hereafter).
- C. Appendix A (pages 384 through 392, entitled “Manufactured Housing Used As Dwellings”) is specifically adopted herein, except as to those parts of Appendix A which are hereafter deleted or amended.
- D. Section A 304.1 (page 387, entitled “Permit Fees”) is deleted. (See Section 30.04.01E supra)
- E. Section A 304.2 (page 387, entitled “Plan Review Fees”) is deleted.
- F. Section A 304.3 (page 388, line 12) delete “and pay a new plan review fee”.
- G. Sections A 304.4.1 through A 304.5.3 (page 388) are deleted.
- H. Appendix B, (pages 393 through 394 entitled “Swimming Pools, Spas And Hot Tubs”) is specifically adopted except as hereafter amended.”
- I. That Appendix C, (page 395 entitled “Energy Conservation”) is not adopted by this Ordinance.
- J. That Appendix D, (pages 397 through 398 entitled “Radon Control Methods”) is not adopted by this Ordinance.

30.04.03 The following sections of the Private Sewage Disposal Code, 1999 are hereby amended as follows:

- A. Section 905.20, paragraph l.) is deleted. (See Section 30.10 hereafter)
- B. Section 905.20, paragraph n.) Section 905.40, paragraph a.) Section 905.170, paragraph f.) and Section 905.100 are deleted.

30.05 Driveways:

30.05.01 Where a driveway replaces a previously existing sidewalk, the driveway shall consist of concrete no less than six inches deep.

30.05.02 Driveway Extensions: Any person extending a driveway from the property line toward the street shall construct the extension in accordance with the details and plans set forth in this section and on the Driveway Plan which is attached and made a part hereof.

A. The driveway extension shall include a one inch expansion joint at the property line for concrete extensions, and shall in all cases extend to the edge of the roadway surface;

B. The driveway extension shoulder, as shown on the Driveway Plan, shall slope a minimum of one-half inch per foot and a maximum of one inch per foot;

C. A round corrugated metal pipe (CMP) culvert not less than ten inches in diameter and a gauge and strength meeting Illinois Department of Transportation standards for culverts, and in any event no less strength than 14 gauge steel pipe, shall be installed to meet the flow line of the adjacent ditch, with a minimum extension beyond the driveway of three feet on each side. The culvert shall not be required, however, if the improved driveway extension surface will be level with or below the flow line of the adjacent ditch on both sides of the driveway extension;

D. The driveway extension shall be constructed of one of the following surfacing materials:

i) Concrete of a minimum thickness of six inches;

ii) Asphaltic concrete of a minimum thickness of one and one-half inches placed on a crushed stone base of a minimum thickness of six inches;

iii) Crushed stone of a minimum thickness of six inches with an A-3 surface treatment as defined by Illinois Department of Transportation and general engineering usage; or

iv) Crushed stone only, of a minimum thickness of six inches.

insert driveway plan picture here.

30.06 Violation Penalties: Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00). Each day that a violation continues shall be deemed a separate offense.

A. Construction or Demolition Waste Disposal

1. DEFINITION: Construction or Demolition Waste. Construction or demolition waste means waste resulting from building construction or demolition, alteration or repair, including without limitation excavated material, remodeling and other waste such as, bricks, concrete, other masonry materials, rock, wood, wall coverings, plaster, drywall, glass, plastic, metal, wiring, insulation, shingles, asphalt, trees, stumps, shrubs, and any other appurtenant, attached, or adhered to such waste in any manner whatsoever.

B. Burning or Burying: No individual, business or public entity, or any agent thereof, owning, leasing or having any interest in land, which is located within the Village of Pesotum shall burn or bury construction or demolition waste of any kind or character whatsoever within the Village of Pesotum.

30.07 Abatement of Violations: The imposition of the penalties herein prescribed shall not preclude the Village authorities from instituting appropriate action to prevent unlawful construction or to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure, or premises or to stop an illegal act, conduct, business or use of a building or structure in or about any premises.

30.08 Unlawful Continuance: Any person who shall continue any work in or about the structure after having been served with a stop-work order, except such work as he is directed to perform to remove a violation or unsafe conditions shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00). Each day that a violation continues shall be deemed a separate offense.

30.09 Right of Condemnation: All buildings or structures that are or hereafter shall become unsafe, unsanitary, or deficient in adequate exitway facilities, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare by reason of illegal or improper use, occupancy or maintenance, shall be deemed unsafe buildings or structures. All unsafe structures shall be taken down or removed or made safe and secure, as the building official may deem necessary and as provided in this Section. A vacant building, unguarded or open at door or window, shall be deemed a fire hazard and unsafe within the meaning of this Code.

30.10 Appeal to Board of Trustees:

30.10.01 Application for Appeal: The owner of a building or structure or any other person affected may appeal from a decision of the building inspector

refusing to grant a modification of the provisions of this code covering the manner of construction or materials to be used in the erection, alteration or repair of a building or structure to the Village Board of Trustees. Application for appeal may be made when it is claimed that: the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or an equally good or better form of construction can be used.

30.10.02 Appeals Procedure: Appeals shall be filed by written application for appeal filed by personal service of 8 copies thereof upon the Clerk or President of the Village of Pesotum, detailing the matter appealed and the relief sought; the appeal shall then be brought before the Board of Trustees at the first regularly-scheduled meeting of the Board of trustees subsequent to the filing of an application for appeal; provided that the Board of Trustees may, by a concurring vote of three (3) members, elect to postpone consideration of the appeal if the application for appeal was filed the (10) or fewer days prior to the regularly-scheduled meeting of the Board of Trustees.

A. Exemption of Members: A member of the Board of Trustees shall not vote on any question in which he is engaged as a contractor or material dealer or in the preparation of plans and specifications in which he has a material interest.

B. Public Hearing: All hearings shall be public; the appellant, his representative, the building inspector, and other person whose interests may be affected by the matter on appeal shall be given an opportunity to be heard.

C. Action of the Board: The Board shall affirm, modify, or reverse the decision of the building inspector by a concurring vote of a majority of its voting members.

D. Resolution of Board: Every action of the Board shall be by resolution and certified copies shall be furnished to the appellant to the building inspector.

30.10.03 Enforcement of Decision: The building inspector shall enforce the decisions of the Board or shall cause the decisions of the Board to be enforced.

30.11 Saving Clause: Nothing in this ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

30.12 Separability: The validity of any Section or Provision of this Ordinance in a particular application thereof shall not invalidate such Section or Provision as to other unrelated applications.

30.13 Repeal of Inconsistent Ordinances: All Ordinances and parts of Ordinances inconsistent with the Provisions of this Ordinance are hereby repealed insofar as they are inconsistent with the Provisions hereof; provided that wherever in this Ordinance there is a conflict with the Zoning Ordinance of this Village or the Subdivision Ordinance of the Village, the provisions of the Zoning Ordinance or of the Subdivision Ordinance shall prevail.