

**VILLAGE OF OSWEGO
KENDALL COUNTY, ILLINOIS**

ORDINANCE NO. 24 - 33

**AN ORDINANCE AMENDING TITLE 4 BUILDING REGULATIONS OF THE
VILLAGE OF OSWEGO MUNICIPAL CODE ADOPTING THE 2021
INTERNATIONAL BUILDING CODE, THE INTERNATIONAL RESIDENTIAL CODE,
THE 2020 NATIONAL ELECTRIC CODE, THE ILLINOIS PLUMBING CODE
LATEST EDITION, THE 2021 INTERNATIONAL MECHANICAL CODE, THE 2021
INTERNATIONAL FUEL GAS CODE, THE ILLINOIS ENERGY CONSERVATION
CODE LATEST EDITION, THE 2021 PROPERTY MAINTENANCE CODE, THE 2021
INTERNATIONAL FIRE CODE, THE 2021 INTERNATIONAL SWIMMING POOL
AND SPA CODE, AND THE 2021 INTERNATIONAL EXISTING BUILDING CODE,
ALL AS AMENDED.**

(Building Code Update)

**ADOPTED BY
THE PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF OSWEGO**

This 2nd day of April 2024

Prepared by and Return to:
Village of Oswego
100 Parkers Mill
Oswego, IL 60543

Published in pamphlet form by authority of the President
and Board of Trustees of the Village of Oswego on April 3, 2023.

ORDINANCE NO. 24 - 33

AN ORDINANCE AMENDING TITLE 4 BUILDING REGULATIONS OF THE VILLAGE OF OSWEGO MUNICIPAL CODE ADOPTING THE 2021 INTERNATIONAL BUILDING CODE, THE INTERNATIONAL RESIDENTIAL CODE, THE 2020 NATIONAL ELECTRIC CODE, THE ILLINOIS PLUMBING CODE LATEST EDITION, THE 2021 INTERNATIONAL MECHANICAL CODE, THE 2021 INTERNATIONAL FUEL GAS CODE, THE ILLINOIS ENERGY CONSERVATION CODE LATEST EDITION, THE 2021 PROPERTY MAINTENANCE CODE, THE 2021 INTERNATIONAL FIRE CODE, THE 2021 INTERNATIONAL SWIMMING POOL AND SPA CODE, AND THE 2021 INTERNATIONAL EXISTING BUILDING CODE, ALL AS AMENDED.

(Building Code Update)

WHEREAS, the Village of Oswego (“Village”) has a population of more than 25,000 and is therefore a “Home Rule Unit” under the 1970 Illinois Constitution; and

WHEREAS, the Illinois Constitution of 1970 provides that a Home Rule Unit may exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals and welfare; to license, to tax; and to incur debt; and

WHEREAS, the Village has in full force and effect a codified set of those ordinances of the Village which are of a general and permanent nature, which said codified set is known and designated as the Village Code of the Village of Oswego, as amended; and

WHEREAS, Title 4 Building Regulations adopts the building code regulations and amendments; and

WHEREAS, the Village intends to update the building code regulations to the 2021 International Building Code and 2021 International Residential Code as amended, a copy of which is attached hereto and incorporated herein as Exhibit A; and

WHEREAS, the Village President (the “President”) and the Board of Trustees of the Village (the “Village Board” and with the President, the “Corporate Authorities”) find that the Text Amendment promotes the public health, safety, comfort, convenience and general welfare; and

WHEREAS, the Corporate Authorities desire to rant the Text Amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF OSWEGO, KENDALL AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers, as follows:

Section 1: INCORPORATION

That the recitals set forth above are incorporated here by reference.

Section 2: APPROVAL

That the request to amend Title 4 Building Regulations to adopt the 2021 International Building Code and 2021 International Residential Code as amended is hereby approved and granted as set forth in the following exhibits:

Exhibit A: Title 4 Building Regulations

Section 3: SEVERABILITY

This ordinance and every provision thereof shall be considered severable. If any section, paragraph, subdivision, clause, sentence, or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

Section 4: REPEALER

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5: EFFECTIVE DATE

This Ordinance shall be in full force and effect on October 2, 2024. Publication in pamphlet form is hereby authorized, as provided by law.

PASSED by the Board of Trustees of the Village of Oswego, Kendall and Will Counties, Illinois this 2nd day of April 2024.

TOM GUIST	<u>AYE</u>	JENNIFER JONES SINNOTT	<u>AYE</u>
KIT KUHRT	<u>AYE</u>	KARIN MCCARTHY-LANGE	<u>AYE</u>
KAREN NOVY	<u>AYE</u>	ANDREW TORRES	<u>AYE</u>

APPROVED By me, Ryan Kauffman, as President of the Village of Oswego, Kendall and Will Counties, Illinois, this 2nd day of April 2024.

RYAN KAUFFMAN, VILLAGE PRESIDENT

TINA TOUCHETTE, VILLAGE CLERK

STATE OF ILLINOIS)
COUNTY OF KENDALL)

SS

CLERK'S CERTIFICATE
(ORDINANCE)

I, Tina Touchette, the duly qualified Village Clerk of the Village of Oswego, Kendall and Will Counties, Illinois, do hereby certify that I am the keeper of its books and records and that the attached hereto is a true and correct copy of an Ordinance entitled:

AN ORDINANCE AMENDING TITLE 4 BUILDING REGULATIONS OF THE VILLAGE OF OSWEGO MUNICIPAL CODE ADOPTING THE 2021 INTERNATIONAL BUILDING CODE, THE INTERNATIONAL RESIDENTIAL CODE, THE 2020 NATIONAL ELECTRIC CODE, THE ILLINOIS PLUMBING CODE LATEST EDITION, THE 2021 INTERNATIONAL MECHANICAL CODE, THE 2021 INTERNATIONAL FUEL GAS CODE, THE ILLINOIS ENERGY CONSERVATION CODE LATEST EDITION, THE 2021 PROPERTY MAINTENANCE CODE, THE 2021 INTERNATIONAL FIRE CODE, THE 2021 INTERNATIONAL SWIMMING POOL AND SPA CODE, AND THE 2021 INTERNATIONAL EXISTING BUILDING CODE, ALL AS AMENDED.

(Building Code Update)

which Ordinance was duly adopted by said Board of Trustees at a regular meeting held on the 2nd day of April 2024, approved by the Village President on the 2nd day of April 2024 and thereafter published in pamphlet form.

I do further certify, in my official capacity, that a quorum of said Board of Trustees was present at said meeting and that the Board complied with all requirements of the Illinois Open Meetings Act.

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of April 2024.

Tina Touchette, Village Clerk
Village of Oswego

(Seal)

Oswego, Illinois, Code of Ordinances
TITLE 4 BUILDING REGULATIONS

**TITLE 4
BUILDING REGULATIONS**

Chapter 1 BUILDING CODE

Sec. 4-1-1. Adoption.

A certain document, one copy of which is on file in the office of the Building and Permits Manager of the village, being marked and designated as the 2021 International Building Code and the 2021 International Residential Code, published by the International Code Council, Inc., be and is hereby adopted as the building code of the Village of Oswego in the state of Illinois; for the control of buildings and structures as herein provided and each and all of the regulations, provisions, penalties, conditions and terms of the 2021 International Building Code, and the 2021 edition of the International Residential Code, are hereby referred to, adopted and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in section 4-1-2 of this chapter.

(Ord. 11-63, 9-6-2011)

Sec. 4-1-2. Amendments.

(A) The following sections of the 2021 International Building Code are hereby amended, added or deleted:

Section 101.1 Title. These regulations shall be known as the building code of the Village of Oswego, hereinafter referred to as "this code."

Section 103.1 Creation of enforcement agency. Insert "Building and Permits."

Section 105.2 Work Exempt From Permit. Amend to read: Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

- a. Oil derricks.
- b. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding class I, II or IIIA liquids.
- c. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2:1.
- d. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.
- e. Temporary motion picture, television and theater stage sets and scenery.

- f. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18 925 L) and are installed entirely above ground.
- f. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
- g. Swings and other playground equipment accessory to detached one- and two-family dwellings.
- h. Window awnings supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support of group R-3 and U occupancies.
- i. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.

Section 105.5 Expiration. Amend to read: All permits are only valid for 1 (one) year from the date of issuance. Any permit issued shall become invalid if the authorized work is not commenced within six months after issuance of the permit, or if the authorized work is suspended or abandoned for a period of six months after the time of commencing the work or one year from the date of the permit issuance, whether work has commenced or not, except with an approved extension. The code official may approve extension of a permit for one or more periods not to exceed 180 days each if there is reasonable cause. The maximum number of extension periods shall not exceed two. An administrative and/or additional fee may be due to grant an extension.

Section 109.2 Schedule Of Permit Fees. Amend to read: On buildings, structures, electrical, gas, mechanical, and plumbing systems or *alterations* requiring a *permit*, a fee for each permit shall be paid in accordance with the schedule as established by section 4-1-3 of the Village of Oswego's municipal code.

Section 109.4 Work Commencing Before Permit Issuance. Amend to read: Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary *permit/s* shall be subject to a fee established by section 4-1-3 of the Village of Oswego's municipal code. The fee shall be in addition to the required *permit* fees.

Section 110.3.12 Final Inspection. Amend to read:

The final inspection shall be made after all work required by the building permit is completed. All aspects of the structure shall be complete, ready for occupancy and in move in condition.

Section 111.3 Temporary Occupancy Permits. Shall be replaced in its entirety with the following: The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid. The permit holder must provide the Village of Oswego with an approved performance bond or a cash bond to guarantee the completion of the work on a date and at a dollar amount which both the applicant and the village agree upon for any required outstanding exterior site work.

Section 114.4 Violation Penalties. Shall be replaced in its entirety with the following: 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 code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a class IV violation, punishable by a fine/s as established in section 1-4-3(G) of the Village of Oswego's municipal code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 113 Means of Appeal Delete all text and insert the following:

All initial appeals by a Contractor, Design Professional or homeowner about the proper application of a code related item shall be to the Building & Permit Manager. The appellant has a maximum of 10 days to file an appeal and the Building & Permit Manager has a maximum of 10 days to respond.

If the appellant does not agree with the Building & Permit Manager's decision the appellant has a maximum of ten days to appeal to the Village Manager and the Village Manager has a maximum of ten days to respond

If the appellant does not agree with the Village Manager's decision the appellant has a maximum of ten days to appeal to the Village Board and the Village Board has a maximum of ten days. to respond.

This procedure does not eliminate the appellant's right to appeal to a court of law.

Section 115.4 Failure to comply. Shall be replaced in its entirety with the following: 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 that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine/s as established in section 1-4-3(G) of the Village of Oswego's municipal code.

Section 903.2 Where Required. Amend to read: Approved automatic sprinkler systems in new buildings and structures and additions of 25% or more of the primary structure's square footage shall be provided in the locations described in this section. When the addition/s exceeds 50% of the building/structure's original square footage, an approved automatic sprinkler system in accordance with section 903.3 shall be provided throughout the entire building/structure.

- a. **Exception:** Spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided that those spaces or areas are equipped throughout with an automatic smoke detection system in accordance with Section 907.2 and are separated from the remainder of the building by not less than 1-hour fire barriers constructed in accordance with Section 707 or not less than 2-hour horizontal assemblies constructed in accordance with Section 711, or both.

Section 903.2.1 Group A. Amend to read: An automatic sprinkler system installed in accordance with section 903.3 shall be provided throughout all new buildings and additions with a group A occupancy.

Delete sections 903.2.1.1 through 903.2.1.5. Section 903.2.1 requires an automatic sprinkler system in all new use group A buildings.

Section 903.2.2 Group B. Amend to read: An *automatic sprinkler system* shall be installed throughout all fire areas containing a group B occupancy.

Section 903.2.3 Group E. Amend to read: An automatic sprinkler system installed in accordance with section 903.3 shall be provided throughout all new buildings and additions with a group E occupancy.

Section 903.2.4 Group F. Amend to read: An automatic sprinkler system installed in accordance with section 903.3 shall be provided throughout all new buildings and additions with a group F occupancy. Delete subsections 903.2.4.1 through 903.2.4.3

Section 903.2.7 Group M. Amend to read: An automatic sprinkler system installed in accordance with section 903.3 shall be provided throughout all new buildings and additions with a group M occupancy. Delete subsections 903.2.7.1 and 903.2.7.2.

Section 903.2.9 Group S-1. Amend to read: An automatic sprinkler system installed in accordance with section 903.3 shall be provided throughout all new buildings and additions with a group S-1 occupancy.

Section 903.2.9.1 Repair Garages. Amend to read: An *automatic sprinkler system* shall be provided throughout all buildings used as repair garages.

903.2.9.2 Bulk storage of tires. Amend to read: An automatic sprinkler system installed in accordance with section 903.3 shall be provided throughout all new buildings and additions with bulk storage of tires.**903.2.9.4 Group S-1 upholstered furniture and mattresses.** Amend to read: An automatic sprinkler system installed in accordance with section 903.3 shall be provided throughout all new buildings and additions with storage of upholstered furniture and mattresses. Delete exception.

Section 903.2.10 Group S-2. Amend to read: An automatic sprinkler system installed in accordance with section 903.3 shall be provided throughout all new buildings and additions with a group S-2 occupancy.

Delete subsections 903.2.11.1 and 903.2.11.3 in their entirety.

Section 1101.2 Accessibility Design. Amend to read: Buildings and facilities shall be designed and constructed to be accessible in accordance with the Illinois Accessibility Code.

Section 1612.3 Insert the "Village of Oswego" Insert October 1982 with a letter of revision for the Waubensee Creek water shed dated October 6, 2003 and any subsequent documents All other maps remain current and valid. All flood zone requirements are reviewed by the Village Engineer.

Section 2308.8.5 Lateral Support. Amend to read: Floor, attic, and roof framing, with a nominal dimension of 2 inches by 8 inches shall be supported laterally by full depth solid blocking, diagonal bridging (wood or metal), or a continuous 1-inch-by-3-inch strip nailed across the bottom of joists perpendicular to joists or other approved means at intervals not exceeding 8 feet. A line of bridging shall also be required at supports where equivalent lateral support is not otherwise provided.

Section P2901.1 Scope. Amend to read: The provisions of this chapter shall establish the general administrative requirements applicable to plumbing systems and inspection requirements of this code. All plumbing work shall conform to the Illinois State Plumbing Code and subsection 2903.

Section 3002.4 Elevator Car To Accommodate Ambulance Stretcher. Amend to read: Where elevators are provided, at least one elevator shall be provided for fire department emergency access to all floors. The elevator car shall be of such a size and arrangement to accommodate an ambulance stretcher 24 inches by 84 inches (610 mm by 2134 mm) with not less than 5-inch (127 mm) radius corners, in the horizontal, open position and shall be identified services by the international symbol for emergency medical services (star of life). The symbol shall be not less than 3

inches (76 mm) in height and shall be placed inside on both sides of the hoist way door frame.

Section 3303 Demolition Add the following sections:

Section 3308 Footing and foundations. All existing underground construction including footings, foundations, piers and piping shall be removed.

Section 3309 Utilities All utilities shall be verified disconnected before the demo work is started. All existing utilizes (above ground and underground shall be removed.

change the following referenced standards:

ICC:

Delete the International Zoning Code

Delete the International Plumbing Code and insert the Illinois Plumbing Code

The following appendixes shall be adopted as part of the International Building Code:

Appendix C Group U agricultural buildings

Appendix F Rodent Proofing

Appendix H, sections H105 & H106

Appendix I Patio covers

Appendix K

(B) The following sections of the 2021 International Residential Code are hereby amended, added or deleted:

Section R101.1. Insert the Village of Oswego.

Section R102.5. Add the following: The following appendices are adopted and are enforceable as part of the International Residential Code:

Appendix AA Sizing and capacities of gas piping

Appendix AB Sizing of venting systems

Appendix AC Exit terminals of mechanical draft and direct-vent systems

Appendix AD Recommended procedures for safety inspections of an existing appliance installation

Appendix AE Manufactured housing used as dwellings

Appendix AF Radon control methods

AF103.12 Power Source: Add the following sentence: A simplex style receptacle shall be installed in the required box.

Appendix AH Patio covers

Appendix AJ Existing buildings and structures

Appendix AK Sound transmissions

Appendix AM Home day care—R-3 occupancy

Appendix AO Automatic Vehicular Gates

Appendix AW 3d-Printed Building Construction

Section R105.2 Work Exempt From Permit. All work shall require a permit, including detached accessory structures, fences, patios, decks, gazebos, sidewalks, driveways, swimming pools and all other construction not explicitly exempted by the adopted codes.

Work exempt from permit shall be as follows:

- a. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
- b. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- c. Swings and other playground equipment accessory to a one or two-family dwelling and not exceeding 120 square feet in ground coverage.
- c. Prefabricated swimming pools that are less than 24 inches deep.
- d. Window awnings supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support.

Section R109.1.6 Final Inspection. Amend to read: The final inspection shall be made after all work required by the building permit is completed. All aspects of the structure shall be complete, ready for occupancy and in move in condition.

Delete section R 112 Board of Appeals and insert see section 113 of the International Building Code

Section R113.4 Violation Penalties. Amend to read: Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a class IV misdemeanor, punishable by a fine/s as established in section 1-4-3(G) of the Village of Oswego's municipal code. Each day that a violation continues after due notice has been served shall be deemed a separate offense and shall be subject to penalties as prescribed.

Section R113.4.1 Working Without A Permit. Amend to read: Any person or corporation commencing construction without first obtaining the required building permit shall be subject to double the permit fee. Said fee shall be in addition to any penalty or court cost incurred by the Village of Oswego in regards to the provisions of the adopted building codes.

Table R301.2(1) amend to read: Insert new table -

Table 301.2 CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA												
GR OU ND SNO W LOA D	WIND DESIGN				SEIS MIC DESI GN CATA GORY	SUBJECT TO DAMAGE FROM			ICE BAR RIER UND ERL AY MEN T REQ UIRE D	FL OO D HA ZA RD	AIR FRE EZI NG IND EX	ME AN AN NU AL TE MP
	Spe eed (m ph)	Topog raphic effects	Speci al Wind regio n	Wind borne Debri s zone		Wea theri ng	Fr ost Li ne de pth	Ter mite				
30	11 5	No	No	No	A	Seve re	42	Seve re	YES	See map s	200 0	50
MANUAL J DESIGN CRITERIA												
Elevation			Altitu de Corre ction 'facto r	Coinc ident Wet bulb	Indoor winter design dry- bulb temper ature	Indoor winter design Dry-bulb temperature		Outdoor winter design Dry-bulb temperature		Heating temperature difference		
705			1	74	70	70		-1		71		
Latitude			Daily range	Indoo r summ er Desig n Relati ve humi dity	Summ er design gains	Indoor summer design Dry-bulb temperature		Outdoor summer design Dry-bulb temperature		Cooling temperature difference		

42	M	50	37	75	88	13
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Add amendment to exterior walls less than 5 feet must be rated.

Section R302.2.2 Common walls. Amend to read: The common wall shall be not less than a 2-hour fire resistance-rated wall assembly tested in accordance with ASTM E119, UL 263 or Section 703.2.2 of the International Building Code.

Section R302.2.4 Parapets for townhouses. Amend exception #3 to read: A parapet is not required where roof surfaces adjacent to the wall or walls are at different elevations and the higher roof is more than 30 inches (762 mm) above the lower roof. The common wall construction from the lower roof to the underside of the higher roof deck shall have not less than a 2-hour fire-resistance rating. The wall shall be rated for exposure from both sides.

Section R302.3 Two-Family Dwellings. Amend to read: *Dwelling units* in two-family dwellings shall be separated from each other by wall and/or floor assemblies having not less than a 2-hour fire-resistance rating when tested in accordance with ASTM E 119 or UL 263. Fire-resistance-rated floor-ceiling and wall assemblies shall extend to and be tight against the *exterior wall*, and wall assemblies shall extend from the foundation to the underside of the roof sheathing. Where roof surfaces adjacent to the wall or walls are at the same elevation, a parapet shall extend not less than 30 inches (762 mm) above the roof surfaces.

a. Exception:

- i. A parapet is not required when the roof is covered with a minimum class C roof covering, and the roof decking or sheathing is of noncombustible materials or *approved* fire-retardant-treated wood for a distance of 4 feet (1219 mm) on each side of the wall or walls, or one layer of $\frac{5}{8}$ -inch (15.9 mm) type X gypsum board is installed directly beneath the roof decking or sheathing, supported by a minimum of nominal 2-inch (51 mm) ledgers attached to the sides of the roof framing members, for a minimum distance of 4 feet (1219 mm) on each side of the wall or walls.
- ii. A fire-resistance rating of 1 hour shall be permitted in buildings equipped throughout with an automatic sprinkler system installed in accordance with NFPA 13R.
- iii. Where roof surfaces adjacent to the wall or walls are at the same elevation, wall assemblies need not extend through attic spaces when the ceiling is protected by not less than a 2-hour fire-resistance rating and an *attic* draft stop constructed as specified in section R302.12.1 is provided above and along the wall assembly separating the *dwellings*. The structural framing supporting the ceiling shall also be protected by not less than a 2-hour fire-resistance rating.

Table R302.6 Dwelling/Garage Separation. Amend to read:

TABLE R302.6 DWELLING/GARAGE SEPARATION	
Separation	Material
From the residence and attic	Not less than $\frac{5}{8}$ -inch gypsum board or equivalent to the garage side

From all habitable rooms above the garage	Not less than 5/8-inch type X gypsum board or equivalent
Structure(s) supporting floor/ceiling assemblies for separation required by this section	Not less than 5/8-inch gypsum board or equivalent
Garages located less than 5 feet from a dwelling unit on the same lot	Not less than 5/8-inch gypsum board or equivalent applied to the interior side of exterior walls that are within this area

Section R303.1 Habitable Rooms. Add the following sentence: Unfinished basement areas shall be provided with aggregate glazing area of not less than 2 percent of the floor area. One-half of required area of glazing shall be openable.

Section R303.7 Interior stairway illumination. Amend the last sentence to read:

There shall be a wall switch at each floor level to control the light

Section R303.8 Exterior stairway illumination. Add the following sentence: The illumination of exterior stairways shall be controlled from inside the *dwelling* unit.

R311.3 Floors, landings and porches at exterior doors. Add the following All porches wider than 3 feet or deeper than 3 feet require a full depth footing and foundation wall.

All exterior landings wider than 3 feet will require a mid span cast in place wing wall.

All exterior landings wider than 6 feet will require a wing wall down to 42 inches, with a maximum spacing of 3 feet.

R311.3.2 Floor elevations at other exterior doors. Delete exception.

Other doors serving the home, include the garage space shall be provided with cast in place wing wall at each location with the landing surface secured from lateral movement. 3' x 3' in size shall be provided with one centered cast in place wing wall. Sizes larger than 3' x 3' will require a minimum of two or placement at 36 inches on center.

R313.1.1 Townhouse Fire Alarm system Add the following: All fire sprinkler system shall be monitored by a fire department approved alarm system.

Section R313.2 One- And Two-Family Dwellings Automatic Fire Systems. Amend to read: An automatic residential fire sprinkler system shall be installed in duplexes.

Exceptions:

1. An automatic residential fire sprinkler system shall not be required for additions, alterations or accessory structures to existing buildings that are not already provided with an automatic residential sprinkler system.
2. An automatic residential fire sprinkler system shall not be required for new construction when all the following apply:
 - a. Underside of all interior stairs are protected with at least 5/8 inches gypsum board or equal.

- b. Each one- and two-family dwelling unit has at least 2 means of egress complying with R311.3 except up to one door may be sliding.

Section R324.4.4 Add the following Pipe in attics, All PV wiring in attics shall be in metal pipe and labeled including pipe use for AC wiring.

Section R401.1 Application. Delete last sentence. Delete exception.

Section R402.1 Wood Foundations. Delete in its entirety and replace with: Wood foundations or footings are not allowed in the Village of Oswego. This also eliminates all other sections, subsections, tables or charts, which reference the use of wood footings or foundations.

Section R403.1 General. Add and amend the following: All exterior walls, and any and all additions and accessory roofed structures attached to the principal structure shall be supported on continuous grouted masonry or concrete footings or other approved structural systems which will be of sufficient design to accommodate all loads to the soil within the limitations as determined from the character of the soil. Footings shall be supported on undisturbed natural soils or engineered fill. Concrete footing shall be designed and constructed in accordance with the provisions of section R403 or in accordance with ACI 332.

If a trench footing is used it shall have a minimum dimension of 10 inches wide and 42 inches below grade. All new foundations shall be connected to the existing foundation with a minimum of two #5 reinforcing rods dowelled into the existing foundation.

All trench footings shall be approved by the Building Official

Section R403.2 Footings For Wood Foundations. Delete based on amended section R402.1.

Section R502.7.1 Bridging. Amend to read: Joists exceeding a nominal dimension of 2 inches by 6 inches shall be supported laterally by solid blocking, diagonal bridging (wood or metal), or a continuous 1-inch-by-3-inch strip nailed across the bottom of joists perpendicular to joists at intervals not exceeding 8 feet.

Section R506.1 General. Amend to read:

Concrete slab-on-ground floors shall be designed and constructed in accordance with the provisions of this section or ACI 332. Floors shall be a minimum 4 inches thick (for expansive soils, see Section R403.1.8). The specified compressive strength of concrete shall be as set forth in Section R402.2.

Section R602.2 Grade. Amend to read: Studs shall be a minimum No.2 standard or stud grade lumber. Delete Exception.

Section R602.3.1 Stud Size, Height And Spacing. Delete exceptions 1 and 2.

Section R802.8.1502.7.1 Bridging. Amend to read: Rafters and ceiling joists exceeding a nominal dimension of 2 inches by 6 inches shall be supported laterally by solid blocking, diagonal bridging (wood or metal), or a continuous 1-inch-by-3-inch strip nailed across the bottom of joists perpendicular to joists at intervals not exceeding 8 feet.

Section P2501.1 Scope. Amend to read: The provisions of this chapter shall establish the general administrative requirements applicable to plumbing systems and inspection requirements of this code. All plumbing work shall conform to the latest edition of the Illinois State Plumbing Code.

P2601.1 Scope. Revise to read: The provisions of Illinois Plumbing Code shall govern the installation of plumbing, appliances, equipment and systems. Delete remainder of P2601.

Delete Sections P2602, P2604, P2605, P2609,

Delete Chapters 27 – 32 in their entirety

E3401.5 Add the following: All conductors shall be installed in EMT, IMC or rigid.

Section E3705.4.4 Conductors Of Type NM Cable. Delete this section in its entirety.

Table E3801.2 Allowable Wiring Methods. Delete the following: Armored cable (AC), metal-clad cable (MC) and non-metallic sheathed cable (NMC) (Romex). An AC whip can be used with a maximum length of 6 feet.

Section E3801.3 Circuit Conductors. Amend to read: All conductors of a circuit, including equipment grounding conductors and bonding conductors, shall be contained in the same raceway.

Table E3801.4 Allowable Applications For Wiring Methods. Eliminate the following: Nonmetallic sheathed cable (NM & NMC) (Romex).

Table E3802.1 General Installation And Support Requirements For Wiring Methods. Eliminate the following: Nonmetallic sheathed cable (NM & NMC) (Romex). Any references to NM or NMC shall not be applicable.

E3902.5 Add Exception #2: Sump and ejector pumps, and approved appliances, when served by a simplex receptacle, shall not be required to provide ground-fault circuit-interrupter protection.

Section E3902.5 Delete the exception

E3905.3.1 Nonmetallic Boxes. Delete this section in its entirety.

(Ord. 11-63, 9-6-2011; Ord. 11-91, 12-6-2011; Ord. 12-44, 6-5-2012; Ord. 17-20, 5-2-2017)

Sec. 4-1-3. Building permit fees.

(A) Definitions.

Commercial, industrial, and institutional: Accessible and habitable floor areas above and below grade, covered porches and breezeways.

Residential: One-, two- and multi-family dwellings, including basements, crawl spaces, garages, covered porches and breezeways.

(B) Residential building permit fee schedule.

Building Group Type	Cost Per Square Foot ¹	Minimum	Occupancy	Temporary Occupancy
Residential	\$0.60	\$46.00	\$100.00	\$ 150.00

Addition	0.60	46.00	100.00	150.00
Accessory	—	46.00	—	

1. Effective March 8, 2023.

1. Alterations, remodeling, roofing, siding, electrical modifications, and additions (not including any addition to an existing building which will add to the ground area thereof) will be assessed a permit cost of \$0.92 per \$100.00 of cost with a minimum fee of \$46.00. Any additional building inspections as required by the building official shall be charged to the individual owner at the rate of \$45.00 for each individual inspection.
2. A plan review fee equal to 15 percent of the building permit fee shall be charged. A minimum fee of \$50.00 shall be charged. In addition, the village shall be reimbursed by the individual, group or business entity requesting a permit, for all reasonable costs incurred for third party plan review, professional specifications review and/or on site professional assistance.

(C) *Commercial and industrial building permit fee schedule.*

Building Group Type	Cost Per Square Foot ¹	Minimum	Occupancy
Commercial Industrial:			
First 100,000 square feet	\$0.47	\$80.00	\$25.00
Second 100,000 square feet	0.25		
Third 100,000 square feet and over	0.10		
Accessory	0.25	40.00	
Addition	0.25	40.00	25.00

1. Effective March 8, 2023.

1. Alterations, remodeling, roofing, siding, electrical modifications, and additions (not including any addition to an existing building which will add to the ground area thereof) will be assessed a permit cost of \$1.25 per \$100.00 of cost with a minimum fee of \$80.00. Any additional building inspections as required by the building official shall be charged to the individual owner at a rate of \$25.00 for each additional inspection.
2. Nonprofit agencies shall be limited to a \$23.00 fee for each applicable inspection to be made by the building official or the plumbing inspector.
3. A plan review fee equal to 15 percent of the building permit fee shall be charged with a minimum fee of \$100.00. In addition, the village shall be reimbursed by the individual, group or business entity requesting a permit, for all reasonable costs incurred for third party review, professional specifications review and/or on site professional assistance.
4. In the event any building or construction as listed in this section is started or begun, in any form or manner prior to obtaining the proper permit as listed above, the individual

builder or corporation must pay double the amount of the building permit fees which are listed above at the time the building permit fee is subsequently made. Also if reinspection is required, a fee double the normal inspection rate will be charged, i.e., $\$45.00 \times 2 = \90.00 . This fee must be paid in the building department office prior to rescheduling a reinspection. No money shall be collected in the field.

- (D) *Demolition fees.* A fee of \$50.00 is hereby imposed for residential demolition. This fee includes a final inspection. A fee of \$100.00 is hereby imposed for commercial/industrial demolition. This fee includes the following three inspections: public safety, utility shutoff and final inspection.

(Ord. 15-04, 2-17-2015 Ord. 23-21. §3,3-7-2023)

Sec. 4-1-4. Saving clause.

Nothing in this chapter or in the building code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquitted, 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 chapter.

(Ord. 15-04, 2-17-2015)

Chapter 2 ELECTRICAL CODE

Sec. 4-2-1. Adoption.

A certain document, one copy of which is on file in the office of the Building and Permits Manager of the village, being marked and designated as the 2020 National Electric Code, be and is hereby adopted as the electric code of the Village of Oswego, in the state of Illinois, for the control of buildings and electric systems as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of the 2020 National Electric Code are hereby referred to, adopted and made a part hereof, as if fully set out in this chapter with the additions, insertions and changes, if any, prescribed in section 4-2-2 of this chapter.

(Ord. 11-63, 9-6-2011)

Sec. 4-2-2. Amendments.

- (A) The following sections of the 2020 National Electric Code are hereby amended or added:

Article 300.1 Add the following: All conductors shall be installed in EMT, IMC or rigid.

All wiring methods above grade and inside buildings shall be installed in approved metal conduit except as permitted by the building official.

Article 314.3 Nonmetallic Boxes. Amend to read: Nonmetallic boxes shall be permitted only for telephone, TV or speaker wiring in IRC occupancies. Nonmetallic boxes shall be permitted for approved outdoor locations. Other locations or uses must be approved by the building official.

Article 334.10 Uses Permitted. Type NM, NMC and NMS cables shall not be permitted. Any references to NM, NMC, or NMS cables shall be deleted.

Article 340 Uses Permitted. Amend to read: Type UF cable shall be permitted only if installed in approved conduit.

The following articles and sections shall be deleted as amended by article 340.10:

340.12 Uses not permitted

340.24 Bending radius

340.80 Ampacity

Article 394.1 Concealed Knob-And-Tube Wiring; Scope. Amend to read: This article covers the use, installation, and construction specification of existing knob-and-tube wiring. New knob-and-tube wiring is strictly forbidden.

(Ord. 11-63, 9-6-2011; Ord. 11-91, 12-6-2011)

Sec. 4-2-3. Penalty.

Any person found liable/guilty by a preponderance of the evidence in an administrative/judicial hearing of violating, disobeying or omitting, neglecting or refusing to comply with or who resists the enforcements of any of the provisions of the adopted codes shall be subject to a class IV fine, plus applicable hearing costs, as provided in subsection 1-4-3(G) of this code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(Ord. 09-65, 8-18-2009)

Chapter 3 PLUMBING CODE

Sec. 4-3-1. Adoption.

A certain document, one copy of which is on file in the office of the Building and Permits Manager of the village, being marked and designated as the Illinois Plumbing Code, latest edition, issued by the Illinois Department of Public Health be and is hereby adopted as the plumbing code of the Village of Oswego, in the state of Illinois, for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of the Illinois Plumbing Code, latest edition, is hereby referred to, adopted and made a part hereof, as if fully set out in this chapter with the additions, insertions and changes, if any, prescribed in section 4-3-2 of this chapter.

(Ord. 11-63, 9-6-2011)

Sec. 4-3-2. Amendments.

(A) The following sections of the Illinois Plumbing Code are hereby amended, added or deleted:

Section 890.520 Gas And Oil Interceptors. Residential garages or accessory structures with floor drains connected to sanitary shall have a gas and oil interceptor regardless of size or number of vehicle bays provided.

(B) All new plumbing fixtures and irrigation controllers shall bear the Water Sense label (as designated by the U.S. environmental protection agency Water Sense program), when such labeled fixtures are available. (Ord. 11-63, 9-6-2011)

Sec. 4-3-3. Inspection fees.

Effective for building permit applications received on or after February 15, 2004:

- (A) *Residential.* One-, two- and multi-family dwellings, including basements, covered porches and breezeways.
- (B) *Commercial, industrial and institutional.* Accessible and habitable floor areas above and below grade, covered porches and breezeways.

Fee Schedule:

Building Group Type Per Inspection

Residential\$ 31.00

Addition31.00

Accessory over 100 square feet (residential)31.00

Commercial, industrial, institutional:

First 100,000 square feet31.00

Second 100,000 square feet31.00

Third 100,000 square feet and over31.00

Accessory over 100 square feet
(commercial, industrial, institutional)31.00

Addition (commercial, industrial, institutional)31.00

(Ord. 03-119, 11-10-2003)

Sec. 4-3-4. Cross connection control.

- (A) *Purpose.* To protect the public water supply system from contamination or pollution by isolating within the consumer's or owner's water system, contaminants or pollutants which could backflow through the service connection into the public water supply system.
- (B) *Where protection is required.* An approved backflow device shall be installed on all connections to the public water supply as described in the Illinois Plumbing Code 890, the Illinois Environmental Protection Agency, regulations 35 Ill. Admin. Code 653.802, or where in the judgment of the director of public works or plumbing inspector, an actual or potential hazard(s) to the public water supply system exists. An approved backflow

prevention device shall be installed on each service line to a consumer or owner of said property or premises.

- (C) *Responsibility.* The consumer or owner of said building or property shall be responsible for protection of the public water supply system from contamination due to backflow or back siphonage of contaminants through the consumer's or owner's water service connection. If the director of public works or the plumbing inspector find that a backflow device is necessary for the safety of the public water supply, the director of public works or plumbing inspector shall give notice to the consumer or owner of building or property to install an approved backflow prevention device at each service connection to the building or property. The consumer or owner shall immediately install such approved device at his own expense. Failure, refusal or inability on the part of the consumer or owner to install such a device immediately shall be grounds for discontinuing water service to the building or property.
- (D) *Inspection and maintenance.* It shall be the duty of the consumer or owner of any buildings or property on which backflow prevention devices shall be required by the regulations of this section are installed to have inspections, tests, maintenance and repair made in accordance with the following schedule or more often, when inspections indicate a need or are specified in the manufacturer's instructions. Illinois Plumbing Code 890.1130 protection of potable water: (b) Approval of devices and maintenance: All devices and assemblies for the prevention of backflow shall comply with the standards listed in appendix A Table A of this part. All reduced pressure principle, reduced pressure detector, backflow prevention assemblies shall be tested and approved by a cross connection control device inspector before initial operation, and at least annually thereafter. Records to verify testing and maintenance shall be available at the site of the installation and a copy sent to Village of Oswego attention building and zoning department.
- (E) *Violations.* The director of public works, the village plumbing inspector or their authorized representative(s) shall refuse or discontinue water service after reasonable notice to the consumer or owner of any building or property, where any backflow prevention device required by Illinois State Plumbing Code or Illinois Environmental Protection Agency and/or Village of Oswego is not installed, tested, maintained or repaired in a manner acceptable to the director of public works and village plumbing inspector, or on inspection it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross connection exists in building or on property. Water service to the building or property shall be terminated and not restored until the consumer, building or property owner has corrected or eliminated such conditions or defects to the satisfaction of the director of public works and plumbing inspector.
- (F) *Penalties.* Any person found liable/guilty by preponderance of the evidence in an administrative/judicial hearing of violating, disobeying or omitting, neglecting or refusing to comply with or who resists the enforcements of any of the provisions of this section are subject to a class IV fine, plus applicable hearing or court costs, as provided in subsection 1-4-3(G) of this code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(Ord. 11-25, 3-15-2011)

Sec. 4-3-5. Saving clause.

Nothing in this chapter or in the plumbing code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquitted, or 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 chapter.

(Ord. 87-15, 6-1-1987; amd. Ord. 11-25, 3-15-2011)

Sec. 4-3-6. Penalties.

Any person found liable/guilty by a preponderance of the evidence in an administrative/judicial hearing of violating, disobeying or omitting, neglecting or refusing to comply with or who resists the enforcements of any of the provisions of the adopted codes shall be subject to a class IV fine, plus applicable hearing costs, as provided in subsection 1-4-3(G) of this code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(Ord. 09-42, 5-12-2009; amd. Ord. 11-25, 3-15-2011)

Chapter 4 MECHANICAL CODE

Sec. 4-4-1. Adoption.

A certain document, one copy of which is on file in the office of the Building and Permits Manager of the village, being marked and designated as the 2021 International Mechanical Code, published by the International Code Council, Inc., be and is hereby adopted as the mechanical building code of the Village of Oswego in the state of Illinois, for the control of buildings and their mechanical systems as herein provided and each and all of the regulations, provisions, penalties, conditions and terms of the 2021 International Mechanical Code, is hereby referred to, adopted and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in section 4-4-2 of this chapter.

(Ord. 11-63, 9-6-2011)

Sec. 4-4-2. Amendments.

(A) The following sections of the 2021 International Mechanical Code are hereby amended, added or deleted:

Section 101.1. Insert: The Village of Oswego.

Section 103.1 Insert: Building and Permits

Section 114 Delete the text in the section and insert: See 113 of the International Building Code.

Adopt the following appendix:

Appendix A Combustion air openings and chimney pass-throughs

(Ord. 11-63, 9-6-2011)

Sec. 4-4-3. Penalty.

Any person found liable/guilty by a preponderance of the evidence in an administrative/judicial hearing of violating, disobeying or omitting, neglecting or refusing to comply with or who resists the enforcements of any of the provisions of the adopted codes shall be subject to a class IV fine, plus applicable hearing costs, as provided in subsection 1-4-3(G) of this code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(Ord. 09-42, 5-12-2009)

Section 4-4-4 Referenced standards

Delete the International Plumbing Code and insert the Illinois Plumbing Code

Chapter 5 FUEL GAS CODE

Sec. 4-5-1. Adoption.

A certain document, one copy of which is on file in the office of the Building and Permits Manager of the village, being marked and designated as the 2021 International Fuel Gas Code, published by the International Code Council, Inc., be and is hereby adopted as the fuel gas code of the Village of Oswego in the state of Illinois, for the control of buildings and their fuel gas systems as herein provided and each and all of the regulations, provisions, penalties, conditions and terms of the 2021 International Fuel Gas Code, is hereby referred to, adopted and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in section 4-5-2 of this chapter.

(Ord. 11-63, 9-6-2011)

Sec. 4-5-2. Amendments.

(A) The following sections of the 2021 International Fuel Gas Code are hereby amended, added or deleted:

Section 101.1. Insert: The Village of Oswego.

Section 103.1 Insert: Building and Permits

Section 113 Delete the text in the section and insert: See 113 o The International Building Code.

Adopt the following appendixes:

Appendix A Sizing and capacities of gas piping (IFGS)

Appendix B Sizing of venting systems serving appliances with draft hoods, capacity I appliances and appliances for use and type B vents (IFGS)

Appendix C Exit terminals of mechanical draft and direct-vent systems (IFGS)

Appendix D Recommended procedures for safety inspections of an existing appliance installation (IFGS)

(Ord. 11-63, 9-6-2011)

Sec. 4-5-3. Penalty.

Any person found liable/guilty by a preponderance of the evidence in an administrative/judicial hearing of violating, disobeying or omitting, neglecting or refusing to comply with or who resists the enforcements of any of the provisions of the adopted codes shall be subject to a class IV fine, plus applicable hearing costs, as provided in subsection 1-4-3(G) of this code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(Ord. 09-42, 5-12-2009)

Section 4-5-4 Referenced standards

Delete the International Plumbing Code and insert the Illinois Plumbing Code

Chapter 6 ENERGY CONSERVATION CODE

Sec. 4-6-1. Adoption.

A certain document, one copy of which is on file in the office of the Building and Permits Manager of the village, being marked and designated as the Illinois Energy Conservation Code, latest edition, be and is hereby adopted as the energy conservation code of the Village of Oswego in the state of Illinois, for the control of buildings and energy conservation as herein provided and each and all of the regulations, provisions, penalties, conditions and terms of the Illinois Energy Conservation Code, latest edition, is hereby referred to, adopted and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in section 4-6-2 of this chapter.

(Ord. 11-63, 9-6-2011)

Sec. 4-6-2. Amendments. (see Illinois amendments)

Sections C110 and R110 Delete the text in the sections and insert: See 113 of the International Building Code.

(Ord. 11-63, 9-6-2011)

Sec. 4-6-3. Penalty.

Any person found liable/guilty by a preponderance of the evidence in an administrative/judicial hearing of violating, disobeying or omitting, neglecting or refusing to comply with or who resists the enforcements of any of the provisions of the adopted codes shall

be subject to a class IV fine, plus applicable hearing costs, as provided in subsection 1-4-3(G) of this code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(Ord. 09-42, 5-12-2009)

Section 4-6-4 Referenced standards

Delete the International Plumbing Code and insert the Illinois Plumbing Code

Chapter 7 PROPERTY MAINTENANCE CODE

Sec. 4-7-1. Adoption.

A certain document, one copy of which is on file in the office of the Building and Permits Manager of the village, being marked and designated as the 2021 International Property Maintenance Code, published by the International Code Council, Inc., be and is hereby adopted as the property maintenance code of the Village of Oswego in the state of Illinois, for the control of property maintenance as herein provided and each and all of the regulations, provisions, penalties, conditions and terms of the 2021 International Property Maintenance Code, is hereby referred to, adopted and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in section 4-7-2 of this chapter.

(Ord. 11-63, 9-6-2011)

Sec. 4-7-2. Amendments.

(A) The following sections of the 2021 International Property Maintenance Code are hereby amended, added or deleted:

Section 101.1. Insert: The Village of Oswego.

Section 103.1. Insert: Building and Permits.

Section 109.4 Violation Penalties. Amend to read: Any person found liable/guilty by a preponderance of the evidence in an administrative/judicial hearing of violating, disobeying or omitting, neglecting or refusing to comply with or who resists the enforcements of any of the provisions of the adopted codes shall be subject to a class IV fine, plus applicable hearing costs, as provided in title 1 (administration), chapter 4 (penalties), section 1-4-3(G) of the Village of Oswego municipal code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 111 Delete the text in the section and insert: See 113 of the International Building Code.

Section 302.4. Insert: “8” inches

Section 304.14 Insect Screens. Insert May 15 to October 15.

Section 602.3 Heat Supply Non Work Spaces. Insert October 15 to May 15.

Section 602.4 Heat Supply Work Spaces. Insert October 15 to May 15.

Section 4-7-4 Referenced standards

Delete the International Plumbing Code and insert the Illinois Plumbing Code

Referenced standards:

Change the following referenced standards:

Delete the International Zoning Code

Delete the International Plumbing Code and insert the Illinois Plumbing Code

(Ord. 11-63, 9-6-2011)

Chapter 8 FIRE CODE

Sec. 4-8-1. Adoption.

A certain document, one copy of which is on file in the office of the Building and Permits Manager of the village, being marked and designated as the 2021 International Fire Code, published by the International Code Council, Inc., be and is hereby adopted as the fire code of the Village of Oswego in the state of Illinois, for the control of buildings, structures and processes as herein provided and each and all of the regulations, provisions, penalties, conditions and terms of the 2021 International Fire Code, is hereby referred to, adopted and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in section 4-8-2 of this chapter.

(Ord. 11-63, 9-6-2011)

Sec. 4-8-2. Amendments.

(A) The following sections of the 2021 International Fire Code are hereby added or amended:

Section 101.1. Insert: The Village of Oswego.

Section 105.1.1 Permits Required. Amend to read: Permits required by this code shall be obtained from the *fire code official*. Permit fees shall be as set forth in the Village of Oswego municipal code. All associated permit fees shall be paid prior to issuance of the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the *fire code official*.

Section 105.6 Required Operational Permits. This shall be amended to read: The Oswego fire protection district or their authorized agent shall be responsible for the issuance of any operational permits for the operation set forth in sections 105.6.1 through 105.6.46.

Section 109.3 Penalties. Amend to read: *Persons* who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the *approved construction documents* or directive of the *fire code official*, or of a permit or certificate used under provisions of this code, shall be guilty of a class IV offense, punishable by a fine as set forth in the Village of Oswego municipal code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 111 Delete the text in the section and insert: See 113 of the International Building Code.

Section 903.2 Where Required. Amend to read: Approved automatic sprinkler systems in new buildings and structures and additions of 25% or more of the primary structure's square footage shall be provided in the locations described in this section. When the addition/s exceeds 50% of the building/structure's original square footage, an approved automatic sprinkler system in accordance with section 903.3 shall be provided throughout the entire building/structure.

- a. **Exception:** Spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided that those spaces or areas are equipped throughout with an automatic smoke detection system in accordance with Section 907.2 and are separated from the remainder of the building by not less than 1-hour fire barriers constructed in accordance with Section 707 or not less than 2-hour horizontal assemblies constructed in accordance with Section 711, or both.

Section 903.2.1 Group A. Amend to read: An automatic sprinkler system installed in accordance with section 903.3 shall be provided throughout all new buildings and additions with a group A occupancy.

Delete sections 903.2.1.1 through 903.2.1.5. Section 903.2.1 requires an automatic sprinkler system in all new use group A buildings.

Section 903.2.2 Group B. Amend to read: An *automatic sprinkler system* shall be installed throughout all fire areas containing a group B occupancy.

Section 903.2.3 Group E. Amend to read: An automatic sprinkler system installed in accordance with section 903.3 shall be provided throughout all new buildings and additions with a group E occupancy.

Section 903.2.4 Group F. Amend to read: An automatic sprinkler system installed in accordance with section 903.3 shall be provided throughout all new buildings and additions with a group F occupancy. Delete subsections 903.2.4.1 through 903.2.4.3

Section 903.2.7 Group M. Amend to read: An automatic sprinkler system installed in accordance with section 903.3 shall be provided throughout all new buildings and additions with a group M occupancy. Delete subsections 903.2.7.1 and 903.2.7.2.

Section 903.2.9 Group S-1. Amend to read: An automatic sprinkler system installed in accordance with section 903.3 shall be provided throughout all new buildings and additions with a group S-1 occupancy.

Section 903.2.9.1 Repair Garages. Amend to read: An *automatic sprinkler system* shall be provided throughout all buildings used as repair garages.

903.2.9.2 Bulk storage of tires. Amend to read: An automatic sprinkler system installed in accordance with section 903.3 shall be provided throughout all new buildings and additions with bulk storage of tires.**903.2.9.4 Group S-1 upholstered furniture and mattresses.**

Amend to read: An automatic sprinkler system installed in accordance with section 903.3 shall be provided throughout all new buildings and additions with storage of upholstered furniture and mattresses. Delete exception.

Section 903.2.10 Group S-2. Amend to read: An automatic sprinkler system installed in accordance with section 903.3 shall be provided throughout all new buildings and additions with a group S-2 occupancy.

Delete subsections 903.2.11.1 and 903.2.11.3 in their entirety.

Section 907.2.10.4 Single And Multiple Station Carbon Monoxide Detectors. All carbon monoxide detectors shall be installed in accordance with the provisions of manufacturer's installation instructions and the household fire-warning equipment provisions of NFPA 72.

Section 907.2.10.4.1 Carbon Monoxide Detectors And Notification. Carbon monoxide detectors shall be installed in the following location:

- a. Within 15 feet of each bedroom or sleeping room.

Section 907.2.10.4.2 Power Source. In new construction, required carbon monoxide detectors shall receive their primary power from the building wiring where such wiring is served from the commercial source and shall be equipped with a battery backup. Carbon monoxide detectors shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for over-current protection.

Section 907.2.24 Townhouses.

Townhouse Fire Alarm system Add the following: All fire sprinkler system shall be monitored by a fire department approved alarm system.

Section 1103.5.3. Insert: [

Section 5704.2.9.6.1. Insert: [[

Section 5706.2.4.4. Insert: [[

Section 5806.2. Insert: [[

6104.2. Insert: [[

Section 4-8-4 Referenced standards

Delete the International Plumbing Code and insert the Illinois Plumbing Code

Adopt the following appendices:

Appendix B Fire-flow requirements for buildings

Appendix C Fire hydrant locations and distribution

Appendix D Fire apparatus road access

Appendix E Hazard categories

Appendix F Hazard rankings

Appendix G Cryogenic fluids—weight and volume equivalents

Appendix H Hazardous material management plan

Appendix I Fire protection systems—non-compliant conditions

(Ord. 11-63, 9-6-2011)

Sec. 4-8-3. Penalty.

Any person found liable/guilty by a preponderance of the evidence in an administrative/judicial hearing of violating, disobeying or omitting, neglecting or refusing to comply with or who resists the enforcements of any of the provisions of the adopted codes shall be subject to a class IV fine, plus applicable hearing costs, as provided in subsection 1-4-3(G) of this code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(Ord. 09-65, 8-18-2009)

Chapter 10 GENERAL PROVISIONS

Sec. 4-10-1. Construction work.

- (A) *Construction hours.* Construction, including, but not limited to, the starting and/or warming up and use of equipment for grading, excavation, concrete, or landscaping work, delivery vehicles, street sweepers, cranes, vehicles in excess of one and one-half ton load capacity, the use of electric power tools, generators, pneumatic air guns, compressors, hand tools including, but not limited to, hammers, axes, handsaws and crowbars shall only be allowed during the following hours:

Monday—Friday	6:00 a.m. to 8:00 p.m.
Saturday	7:00 a.m. to 6:00 p.m.
Sunday	9:00 a.m. to 5:00 p.m.

1. *Exception.* Interior work being performed inside of a totally enclosed structure with all associated tools and equipment enclosed within the structure. An enclosed structure

shall be construed to mean that the roof, windows and doors shall be installed with the windows and doors, including the overhead garage door, in their normally closed positions before any work can be commenced.

Local, state and federal governments are exempt from these provisions. In cases of emergency, nothing in this section shall be construed to prevent any work necessary to prevent injury to persons or property at any time.

- (B) *Dust control.* During grading, excavation and construction, dust control measures shall be taken as needed, such measures to include regular use of water trucks.
- (C) *Streets.* During grading, excavation and construction, the streets shall be kept clean and free from construction debris. Streets shall be cleaned at least weekly and immediately after mud or other debris has been deposited on the street.
- (D) *Trash containers.* Approved trash containers for construction debris shall be present on site and shall be maintained as needed during construction of the proposed structure or improvements.

(Ord. 11-63, 9-6-2011)

Cross reference(s)—See also title 6, chapter 10 of this Code.

Sec. 4-10-2. Final grading.

- (A) Prior to receiving a final occupancy permit, a "final grading survey" must be approved by the village.
- (B) After the final lot grading is completed, the applicant shall submit two original copies of the final grade survey "as built" to the building department for review.
- (C) The final grading survey shall include the following information:
 - 1. All items required on a "spot survey."
 - 2. Elevations of the property corners, all intermediate gradient lines, drainage break points, points ten feet outside of each property line at each corner and midpoint of the lot.
 - 3. All structure elevations other than the building (i.e., grade at utility structures, patios, etc.) and any control elevations shown on the overall grading plan for the subdivision.
- (D) Final grade elevations shall provide allowances for sod and seed. In order for the final lot grading to be considered complete, the final grade shall be in a condition suitable for the laying of sod or the planting of seed.

A tolerance of two inches plus or minus on the final grading may be allowed, provided positive drainage is maintained.

- (E) An Illinois registered professional engineer or land surveyor shall certify that the final grading complies with all grade elevations from the approved subdivision or development engineering plans and that a positive drainage flow route is maintained according to the requirements set forth by the village. Survey shall be paid by applicant prior to occupancy permit.

- (F) During periods of inclement weather, the village administrator has the authority to grant an extension of the grading requirement past the occupancy for a period of 30 days.

When an extension is granted, a bond in the amount of \$2,000.00 must be provided.

(Ord. 02-42, 5-28-2002, eff. 7-1-2002)

Sec. 4-10-3. Penalties.

Any person found liable/guilty by a preponderance of the evidence in an administrative/judicial hearing of violating, disobeying or omitting, neglecting or refusing to comply with or who resists the enforcements of any of the provisions of this chapter shall be subject to a class IV fine, plus applicable hearing costs, as provided in subsection 1-4-3(G) of this Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(Ord. 09-42, 5-12-2009)

Chapter 11 CONSTRUCTION OF UTILITY FACILITIES IN THE RIGHTS-OF-WAY

Sec. 4-11-1. Purpose and scope.

- (A) *Purpose.* The purpose of this chapter is to establish policies and procedures for constructing facilities on rights-of-way within the village's jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the village rights-of-way and the village as a whole.
- (B) *Intent.* In enacting this chapter, the village intends to exercise its authority over the rights-of-way in the village and, in particular, the use of the public ways and property by utilities, by establishing uniform standards to address issues presented by utility facilities, including, without limitation:
1. Prevent interference with the use of streets, sidewalks, alleys, parkways and other public ways and places;
 2. Prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
 3. Prevent interference with the facilities and operations of the village's utilities and of other utilities lawfully located in rights-of-way or public property;
 4. Protect against environmental damage, including damage to trees, from the installation of utility facilities;
 5. Protect against increased storm water runoff due to structures and materials that increase impermeable surfaces;
 6. Preserve the character of the neighborhoods in which facilities are installed;
 7. Preserve open space, particularly the tree lined parkways that characterize the village's residential neighborhoods;
 8. Prevent visual blight from the proliferation of facilities in the rights-of-way; and

9. Assure the continued safe use and enjoyment of private properties adjacent to utility facilities locations.
- (C) *Facilities subject to this chapter.* This chapter applies to all facilities on, over, above, along, upon, under, across, or within the rights-of-way within the jurisdiction of the village. A facility lawfully established prior to the effective date of this chapter may continue to be maintained, repaired and operated by the utility as presently constructed and located, except as may be otherwise provided in any applicable franchise, license or similar agreement.
- (D) *Franchises, licenses, or similar agreements.* The village, in its discretion and as limited by law, may require utilities to enter into a franchise, license or similar agreement for the privilege of locating their facilities on, over, above, along, upon, under, across, or within the village rights-of-way. Utilities that are not required by law to enter into such an agreement may request that the village enter into such an agreement. In such an agreement, the village may provide for terms and conditions inconsistent with this chapter.
- (E) *Effect of franchises, licenses, or similar agreements.*
1. *Utilities other than telecommunications providers.* In the event that a utility other than a telecommunications provider has a franchise, license or similar agreement with the village, such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.
 2. *Telecommunications providers.* In the event of any conflict with, or inconsistency between, the provisions of this chapter and the provisions of any franchise, license or similar agreement between the village and any telecommunications provider, the provisions of such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.
- (F) *Conflicts with other chapters.* This chapter supersedes all chapters or parts of chapters adopted prior hereto that are in conflict herewith, to the extent of such conflict.
- (G) *Conflicts with state and federal laws.* In the event that applicable federal or state laws or regulations conflict with the requirements of this chapter, the utility shall comply with the requirements of this chapter to the maximum extent possible without violating federal or state laws or regulations.
- (H) *Sound engineering judgment.* The village shall use sound engineering judgment when administering this chapter and may vary the standards, conditions, and requirements expressed in this chapter when the village so determines. Nothing herein shall be construed to limit the ability of the village to regulate its rights-of-way for the protection of the public health, safety and welfare.

(Ord. 07-141, 11-19-2007)

Sec. 4-11-2. Definitions.

As used in this chapter and unless the context clearly requires otherwise, the words and terms listed shall have the meanings ascribed to them in this section. Any term not defined in this section shall have the meaning ascribed to it in 92 Ill. Admin. Code section 530.30, unless the context clearly requires otherwise.

AASHTO. American Association of State Highway and Transportation Officials.

ANSI. American National Standards Institute.

ASTM. American Society for Testing and Materials.

Applicant. A person applying for a permit under this chapter.

Backfill. The methods or materials for replacing excavated material in a trench or pit.

Bore or boring. To excavate an underground cylindrical cavity for the insertion of a pipe or electrical conductor.

Cable operator. That term as defined in 47 USC 522(5).

Cable service. That term as defined in 47 USC 522(6).

Cable system. That term as defined in 47 USC 522(7).

Carrier pipe. The pipe enclosing the liquid, gas or slurry to be transported.

Casing. A structural protective enclosure for transmittal devices such as: carrier pipes, electrical conductors, and fiber optic devices.

Clear zone. The total roadside border area, starting at the edge of the pavement, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a nonrecoverable slope, and a clear run out area. The desired width is dependent upon the traffic volumes and speeds, and on the roadside geometry. Distances are specified in the AASHTO "Roadside Design Guide."

Coating. Protective wrapping or mastic cover applied to buried pipe for protection against external corrosion.

Code. The municipal code of the Village of Oswego.

Conductor. Wire carrying electrical current.

Conduit. A casing or encasement for wires or cables.

Construction or construct. The installation, repair, maintenance, placement, alteration, enlargement, demolition, modification or abandonment in place of facilities.

Cover. The depth of earth or backfill over buried utility pipe or conductor.

Crossing facility. A facility that crosses one or more right-of-way lines of a right-of-way.

Director of public works. The village director of public works or his or her designee.

Disrupt the right-of-way. For the purposes of this chapter, any work that obstructs the right-of-way or causes a material adverse effect on the use of the right-of-way for its intended use. Such work may include, without limitation, the following: excavating or other cutting; placement (whether temporary or permanent) of materials, equipment, devices, or structures; damage to vegetation; and compaction or loosening of the soil, and shall not include the parking of vehicles or equipment in a manner that does not materially obstruct the flow of traffic on a highway.

Emergency. Any immediate maintenance to the facility required for the safety of the public using or in the vicinity of the right-of-way or immediate maintenance required for the health and safety of the general public served by the utility.

Encasement. Provision of a protective casing.

Engineer. The village engineer or his or her designee.

Equipment. Materials, tools, implements, supplies, and/or other items used to facilitate construction of facilities.

Excavation. The making of a hole or cavity by removing material, or laying bare by digging.

Extra heavy pipe. Pipe meeting ASTM standards for this pipe designation.

Facility. All structures, devices, objects, and materials (including, but not limited to, track and rails, wires, ducts, fiber optic cable, antennas, vaults, boxes, equipment enclosures, cabinets, pedestals, poles, conduits, grates, covers, pipes, cables, and appurtenances thereto) located on, over, above, along, upon, under, across, or within rights-of-way under this chapter. For purposes of this chapter, the term "facility" shall not include any facility owned or operated by the village.

Freestanding facility. A facility that is not a crossing facility or a parallel facility, such as an antenna, transformer, pump, or meter station.

Frontage road. Roadway, usually parallel, providing access to land adjacent to the highway where it is precluded by control of access to a highway.

Hazardous materials. Any substance or material which, due to its quantity, form, concentration, location, or other characteristics, is determined by the director of public works to pose an unreasonable and imminent risk to the life, health or safety of persons or property or to the ecological balance of the environment, including, but not limited to, explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiology (biological) agents, flammables, corrosives or any substance determined to be hazardous or toxic under any federal or state law, statute or regulation.

Highway. A specific type of right-of-way used for vehicular traffic including rural or urban roads or streets. "Highway" includes all highway land and improvements, including roadways, ditches and embankments, bridges, drainage structures, signs, guardrails, protective structures and appurtenances necessary or convenient for vehicle traffic.

Highway code. The Illinois Highway Code, 605 ILCS 5/1-101 et seq., as amended from time to time.

Holder. A person or entity that has received authorization to offer or provide cable or video service from the ICC pursuant to the Illinois Cable and Video Competition Law, 220 ILCS 5/21-401.

ICC. Illinois Commerce Commission.

IDOT. Illinois Department of Transportation.

JULIE. The joint utility locating information for excavator's utility notification program.

Jacking. Pushing a pipe horizontally under a roadway by mechanical means with or without boring.

Jetting. Pushing a pipe through the earth using water under pressure to create a cavity ahead of the pipe.

Joint use. The use of pole lines, trenches or other facilities by two or more utilities.

Major intersection. The intersection of two or more major arterial highways.

Occupancy. The presence of facilities on, over or under right-of-way.

Parallel facility. A facility that is generally parallel or longitudinal to the centerline of a right-of-way.

Parkway. Any portion of the right-of-way not improved by street or sidewalk.

Pavement cut. The removal of an area of pavement for access to facility or for the construction of a facility.

Permittee. That entity to which a permit has been issued pursuant to sections 4-11-4 and 4-11-5 of this chapter.

Petroleum products pipelines. Pipelines carrying crude or refined liquid petroleum products including, but not limited to, gasoline, distillates, propane, butane, or coal slurry.

Practicable. That which is performable, feasible or possible, rather than that which is simply convenient.

Pressure. The internal force acting radially against the walls of a carrier pipe expressed in pounds per square inch gauge (psig).

Prompt. That which is done within a period of time specified by the village. If no time period is specified, the period shall be 30 days.

Public entity. A legal entity that constitutes or is part of the government, whether at local, state or federal level.

Restoration. The repair of a right-of-way, highway, roadway, or other area disrupted by the construction of a facility.

Right-of-way or rights-of-way. Any street, alley, other land or waterway, dedicated or commonly used for pedestrian or vehicular traffic or other similar purposes, including utility easements, in which the village has the right and authority to authorize, regulate or permit the location of facilities other than those of the village. "Right-of-way" or "rights-of-way" shall not include any real or personal village property that is not specifically described in the previous two sentences and shall not include village buildings, fixtures and other structures or improvements, regardless of whether they are situated in the right-of-way.

Roadway. That part of the highway that includes the pavement and shoulders.

Sale of telecommunications at retail. The transmitting, supplying, or furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.

Security fund. That amount of security required pursuant to section 4-11-10 of this chapter.

Shoulder. A width of roadway, adjacent to the pavement, providing lateral support to the pavement edge and providing an area for emergency vehicular stops and storage of snow removed from the pavement.

Sound engineering judgment. A decision(s) consistent with generally accepted engineering principles, practices and experience.

Telecommunications. This term includes, but is not limited to, messages or information transmitted through use of local, toll and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange service, private line services, mobile radio services, cellular mobile telecommunications services, stationary two-way radio, paging service and any other form of mobile or portable one-way or two-way communications, and any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. "Private line" means a dedicated nontraffic sensitive service for a single customer that entitles the customer to exclusive or priority use of a communications channel, or a group of such channels, from one or more specified locations to one or more other specified locations.

"Telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the end to end communications. "Telecommunications" shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 USC section 521 and following), as now or hereafter amended, or cable or other programming services subject to an open video system fee payable to the village through an open video system as defined in the rules of the Federal Communications Commission (47 CFR section 76.1500 and following), as now or hereafter amended.

Telecommunications provider. Any person that installs, owns, operates or controls facilities in the right-of-way used or designed to be used to transmit telecommunications in any form.

Telecommunications retailer. Means and includes every person engaged in making sales of telecommunications at retail as defined herein.

Trench. A relatively narrow open excavation for the installation of an underground facility.

Utility. The individual or entity owning or operating any "facility" as defined in this chapter.

Vent. A pipe to allow the dissipation into the atmosphere of gases or vapors from an underground casing.

Video service. That term as defined in section 5/21-201(v) of the Illinois Cable and Video Competition Law of 2007, 220 ILCS 5/21-201(v).

Village. The Village of Oswego.

Water lines. Pipelines carrying raw or potable water.

Wet boring. Boring using water under pressure at the cutting auger to soften the earth and to provide a sluice for the excavated material.

(Ord. 07-141, 11-19-2007)

Sec. 4-11-3. Annual registration required.

Every utility that occupies right-of-way within the village shall register on January 1 of each year with the director of public works, providing the utility's name, address and regular business telephone and telecopy numbers, the name of one or more contact persons who can act on behalf of the utility in connection with emergencies involving the utility's facilities in the right-of-way and a 24-hour telephone number for each such person, and evidence of insurance as required in section 4-11-8 of this chapter, in the form of a certificate of insurance.

(Ord. 07-141, 11-19-2007)

Sec. 4-11-4. Permit required; applications and fees.

- (A) *Permit required.* No person shall construct (as defined in this chapter) any facility on, over, above, along, upon, under, across, or within any village right-of-way which: 1) changes the location of the facility, 2) adds a new facility, 3) disrupts the right-of-way (as defined in this chapter), or 4) materially increases the amount of area or space occupied by the facility on, over, above, along, under, across or within the right-of-way, without first filing an application with the director of public works and obtaining a permit from the village therefor, except as otherwise provided in this chapter. No permit shall be required for installation and maintenance of service connections to customers' premises where there will be no disruption of the right-of-way.
- (B) *Permit application.* All applications for permits pursuant to this chapter shall be filed on a form provided by the village and shall be filed in such number of duplicate copies as the village may designate. The applicant may designate those portions of its application materials that it reasonably believes contain proprietary or confidential information as "proprietary" or "confidential" by clearly marking each page of such materials accordingly.
- (C) *Minimum general application requirements.* The application shall be made by the utility or its duly authorized representative and shall contain, at a minimum, the following:
1. The utility's name and address and telephone and telecopy numbers;
 2. The applicant's name and address, if different than the utility, its telephone and telecopy numbers, e-mail address, and its interest in the work;
 3. The names, addresses and telephone and telecopy numbers and e-mail addresses of all professional consultants, if any, advising the applicant with respect to the application;
 4. A general description of the proposed work and the purposes and intent of the facility and the uses to which the facility will be put. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed;
 5. Evidence that the utility has placed on file with the village:
 - (a) A written traffic control plan demonstrating the protective measures and devices that will be employed consistent with the "Illinois Manual On Uniform Traffic Control Devices," to prevent injury or damage to persons or property and to minimize disruptions to efficient pedestrian and vehicular traffic; and

- (b) An emergency contingency plan which shall specify the nature of potential emergencies, including, without limitation, construction and hazardous materials emergencies, and the intended response by the applicant. The intended response shall include notification to the village and shall promote protection of the safety and convenience of the public. Compliance with ICC regulations for emergency contingency plans constitutes compliance with this section unless the village finds that additional information or assurances are needed;
 6. Drawings, plans and specifications showing the work proposed, including the certification of an engineer that such drawings, plans, and specifications comply with applicable codes, rules, and regulations;
 7. Evidence of insurance as required in section 4-11-8 of this chapter;
 8. Evidence of posting of the security fund as required in section 4-11-10 of this chapter;
 9. Any request for a variance from one or more provisions of this chapter (see section 4-11-21 of this chapter); and
 10. Such additional information as may be reasonably required by the village.
- (D) *Supplemental application requirements for specific types of utilities.* In addition to the requirements of subsection (C) of this section, the permit application shall include the following items, as applicable to the specific utility that is the subject of the permit application:
1. In the case of the installation of a new electric power, communications, telecommunications, cable television service, video service or natural gas distribution system, evidence that any "certificate of public convenience and necessity" or other regulatory authorization that the applicant is required by law to obtain, or that the applicant has elected to obtain, has been issued by the ICC or other jurisdictional authority;
 2. In the case of natural gas systems, state the proposed pipe size, design, construction class, and operating pressures;
 3. In the case of water lines, indicate that all requirements of the Illinois Environmental Protection Agency, division of public water supplies, have been satisfied;
 4. In the case of sewer line installations, indicate that the land and water pollution requirements of the Illinois Environmental Protection Agency, division of water pollution control and the Fox metro water reclamation district, have been satisfied; or
 5. In the case of petroleum products pipelines, state the type or types of petroleum products, pipe size, maximum working pressure, and the design standard to be followed.
- (E) *Applicant's duty to update information.* Throughout the entire permit application review period and the construction period authorized by the permit, any amendments to information contained in a permit application shall be submitted by the utility in writing to the village within 30 days after the change necessitating the amendment.
- (F) *Application fees.* Unless otherwise provided by franchise, license, or similar agreement, all applications for permits pursuant to this chapter shall be accompanied by a fee in the

amount of \$1,000.00. No application fee is required to be paid by any electricity utility that is paying the municipal electricity infrastructure maintenance fee pursuant to the Electricity Infrastructure Maintenance Fee Act.

(Ord. 07-141, 11-19-2007)

Sec. 4-11-5. Action on permit applications.

- (A) *Village review of permit applications.* Completed permit applications, containing all required documentation, shall be examined by the director of public works within a reasonable time after filing. If the application does not conform to the requirements of applicable ordinances, codes, laws, rules, and regulations, the director of public works shall reject such application in writing, stating the reasons therefor. If the director of public works is satisfied that the proposed work conforms to the requirements of this chapter and applicable ordinances, codes, laws, rules, and regulations, the director of public works shall issue a permit therefor as soon as practicable. In all instances, it shall be the duty of the applicant to demonstrate, to the satisfaction of the director of public works, that the construction proposed under the application shall be in full compliance with the requirements of this chapter.
- (B) *Additional village review of applications of telecommunications retailers.*
1. Pursuant to section 4 of the Telephone Company Act, 220 ILCS 65/4, a telecommunications retailer shall notify the village that it intends to commence work governed by this chapter for facilities for the provision of telecommunications services. Such notice shall consist of plans, specifications, and other documentation sufficient to demonstrate the purpose and intent of the facilities, and shall be provided by the telecommunications retailer to the village not less than ten days prior to the commencement of work requiring no excavation and not less than 30 days prior to the commencement of work requiring excavation. The director of public works shall specify the portion of the right-of-way upon which the facility may be placed, used and constructed.
 2. In the event that the director of public works fails to provide such specification of location to the telecommunications retailer within either: a) ten days after service of notice to the village by the telecommunications retailer in the case of work not involving excavation for new construction or b) 25 days after service of notice by the telecommunications retailer in the case of work involving excavation for new construction, the telecommunications retailer may commence work without obtaining a permit under this chapter.
 3. Upon the provision of such specification by the village, where a permit is required for work pursuant to section 4-11-4 of this chapter the telecommunications retailer shall submit to the village an application for a permit and any and all plans, specifications and documentation available regarding the facility to be constructed. Such application shall be subject to the requirements of subsection (A) of this section.
- (C) *Additional village review of applications of holders of state authorization under the Cable and Video Competition Law of 2007.* Applications by a utility that is a holder of a state issued authorization under the Cable and Video Competition Law of 2007 shall be deemed

granted 45 days after submission to the village, unless otherwise acted upon by the village, provided the holder has complied with applicable village codes, ordinances, and regulations.

(Ord. 07-141, 11-19-2007)

Sec. 4-11-6. Effect of permit.

- (A) *Authority granted; no property right or other interest created.* A permit from the village authorizes a permittee to undertake only certain activities in accordance with this chapter on village rights-of-way, and does not create a property right or grant authority to the permittee to impinge upon the rights of others who may have an interest in the rights-of-way.
- (B) *Duration.* No permit issued under this chapter shall be valid for a period longer than six months unless construction is actually begun within that period and is thereafter diligently pursued to completion.
- (C) *Preconstruction meeting required.* No construction shall begin pursuant to a permit issued under this chapter prior to attendance by the permittee and all major contractors and subcontractors who will perform any work under the permit at a preconstruction meeting. The preconstruction meeting shall be held at a date, time and place designated by the village with such village representatives in attendance as the village deems necessary. The meeting shall be for the purpose of reviewing the work under the permit, and reviewing special considerations necessary in the areas where work will occur, including, without limitation, presence or absence of other utility facilities in the area and their locations, procedures to avoid disruption of other utilities, use of rights-of-way by the public during construction, and access and egress by adjacent property owners.
- (D) *Compliance with all laws required.* The issuance of a permit by the village does not excuse the permittee from complying with other requirements of the village and applicable statutes, laws, ordinances, rules, and regulations.

(Ord. 07-141, 11-19-2007)

Sec. 4-11-7. Revised permit drawings.

In the event that the actual locations of any facilities deviate in any material respect from the locations identified in the plans, drawings and specifications submitted with the permit application, the permittee shall submit a revised set of drawings or plans to the village within 90 days after the completion of the permitted work. The revised drawings or plans shall specifically identify where the locations of the actual facilities deviate from the locations approved in the permit. If any deviation from the permit also deviates from the requirements of this chapter, it shall be treated as a request for variance in accordance with section 4-11-21 of this chapter. If the village denies the request for a variance, then the permittee shall either remove the facility from the right-of-way or modify the facility so that it conforms to the permit and submit revised drawings or plans therefor.

(Ord. 07-141, 11-19-2007)

Sec. 4-11-8. Insurance.

(A) *Required coverages and limits.* Unless otherwise provided by franchise, license, or similar agreement, each utility occupying right-of-way or constructing any facility in the right-of-way shall secure and maintain the following liability insurance policies insuring the utility as named insured and naming the village, and its elected and appointed officers, officials, agents, and employees as additional insureds on the policies listed in subsections (A)1 and (A)2 of this section:

1. Commercial general liability insurance, including premises-operations, explosion, collapse, and underground hazard (commonly referred to as "X," "C," and "U" coverages) and products-completed operations coverage with limits not less than:
 - (a) Five million dollars (\$5,000,000.00) for bodily injury or death to each person;
 - (b) Five million dollars (\$5,000,000.00) for property damage resulting from any one accident; and
 - (c) Five million dollars (\$5,000,000.00) for all other types of liability;
2. Automobile liability for owned, nonowned and hired vehicles with a combined single limit of \$1,000,000.00 for personal injury and property damage for each accident;
3. Workers' compensation with statutory limits; and
4. Employer's liability insurance with limits of not less than \$1,000,000.00 per employee and per accident.

If the utility is not providing such insurance to protect the contractors and subcontractors performing the work, then such contractors and subcontractors shall comply with this section.

(B) *Excess or umbrella policies.* The coverages required by this section may be in any combination of primary, excess, and umbrella policies. Any excess or umbrella policy must provide excess coverage over underlying insurance on a following form basis such that when any loss covered by the primary policy exceeds the limits under the primary policy, the excess or umbrella policy becomes effective to cover such loss.

(C) *Copies required.* The utility shall provide copies of any of the policies required by this section to the village within ten days following receipt of a written request therefor from the village.

(D) *Maintenance and renewal of required coverages.* The insurance policies required by this section shall contain the following endorsement:

It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until 30 days after receipt by the village, by registered mail or certified mail, return receipt requested, of a written notice addressed to the village administrator of such intent to cancel or not to renew.

Within ten days after receipt by the village of said notice, and in no event later than ten days prior to said cancellation, the utility shall obtain and furnish to the village evidence of replacement insurance policies meeting the requirements of this section.

(E) *Self-insurance.* A utility may self-insure all or a portion of the insurance coverage and limit requirements required by subsection (A) of this section. A utility that self-insures is not

required, to the extent of such self-insurance, to comply with the requirement for the naming of additional insureds under subsection (A) of this section, or the requirements of subsections (B), (C) and (D) of this section. A utility that elects to self-insure shall provide to the village evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage and limit requirements required under subsection (A) of this section, such as evidence that the utility is a "private self-insurer" under the Workers' Compensation Act.

- (F) *Effect of insurance and self-insurance on utility's liability.* The legal liability of the utility to the village and any person for any of the matters that are the subject of the insurance policies or self-insurance required by this section shall not be limited by such insurance policies or self-insurance or by the recovery of any amounts thereunder.
- (G) *Insurance companies.* All insurance provided pursuant to this section shall be effected under valid and enforceable policies, issued by insurers legally able to conduct business with the licensee in the state of Illinois. All insurance carriers and surplus line carriers shall be rated "A-" or better and of a class size "X" or higher by A.M. Best Company.

(Ord. 07-141, 11-19-2007)

Sec. 4-11-9. Indemnification.

By occupying or constructing facilities in the right-of-way, a utility shall be deemed to agree to defend, indemnify and hold the village and its elected and appointed officials and officers, employees, agents and representatives harmless from and against any and all injuries, claims, demands, judgments, damages, losses and expenses, including reasonable attorney fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the utility or its affiliates, officers, employees, agents, contractors or subcontractors in the construction of facilities or occupancy of the rights-of-way, and in providing or offering service over the facilities, whether such acts or omissions are authorized, allowed or prohibited by this chapter or by a franchise, license, or similar agreement; provided, however, that the utility's indemnity obligations hereunder shall not apply to any injuries, claims, demands, judgments, damages, losses or expenses arising out of or resulting from the negligence, misconduct or breach of this chapter by the village, its officials, officers, employees, agents or representatives.

(Ord. 07-141, 11-19-2007)

Sec. 4-11-10. Security.

- (A) *Purpose.* The permittee shall establish a security fund in a form and in an amount as set forth in this section. The security fund shall be continuously maintained in accordance with this section at the permittee's sole cost and expense until the completion of the work authorized under the permit. The security fund shall serve as security for:
 - 1. The faithful performance by the permittee of all the requirements of this chapter;
 - 2. Any expenditure, damage, or loss incurred by the village occasioned by the permittee's failure to comply with any codes, rules, regulations, orders, permits and other directives of the village issued pursuant to this chapter; and

3. The payment by permittee of all liens and all damages, claims, costs, or expenses that the village may pay or incur by reason of any action or nonperformance by permittee in violation of this chapter including, without limitation, any damage to public property or restoration work the permittee is required by this chapter to perform that the village must perform itself or have completed as a consequence solely of the permittee's failure to perform or complete, and all other payments due the village from the permittee pursuant to this chapter or any other applicable law.
- (B) *Form.* The permittee shall provide the security fund to the village in the form, at the permittee's election, of cash, a surety bond in a form acceptable to the village, or an unconditional letter of credit in a form acceptable to the village. Any surety bond or letter of credit provided pursuant to this subsection shall, at a minimum:
1. Provide that it will not be canceled without prior notice to the village and the permittee;
 2. Not require the consent of the permittee prior to the collection by the village of any amounts covered by it; and
 3. Shall provide a location convenient to the village and within the state of Illinois at which it can be drawn.
- (C) *Amount.* The dollar amount of the security fund shall be sufficient to provide for the reasonably estimated cost to restore the right-of-way to at least as good a condition as that existing prior to the construction under the permit, as determined by the director of public works, and may also include reasonable, directly related costs that the village estimates are likely to be incurred if the permittee fails to perform such restoration. Where the construction of facilities proposed under the permit will be performed in phases in multiple locations in the village, with each phase consisting of construction of facilities in one location or a related group of locations, and where construction in another phase will not be undertaken prior to substantial completion of restoration in the previous phase or phases, the director of public works may, in the exercise of sound discretion, allow the permittee to post a single amount of security which shall be applicable to each phase of the construction under the permit. The amount of the security fund for phased construction shall be equal to the greatest amount that would have been required under the provisions of this subsection for any single phase.
- (D) *Withdrawals.* The village, upon 14 days' advance written notice clearly stating the reason for, and its intention to exercise withdrawal rights under this subsection, may withdraw an amount from the security fund, provided that the permittee has not reimbursed the village for such amount within the 14-day notice period. Withdrawals may be made if the permittee:
1. Fails to make any payment required to be made by the permittee hereunder;
 2. Fails to pay any liens relating to the facilities that are due and unpaid;
 3. Fails to reimburse the village for any damages, claims, costs or expenses which the village has been compelled to pay or incur by reason of any action or nonperformance by the permittee; or

4. Fails to comply with any provision of this chapter that the village determines can be remedied by an expenditure of an amount in the security fund.
- (E) *Replenishment.* Within 14 days after receipt of written notice from the village that any amount has been withdrawn from the security fund, the permittee shall restore the security fund to the amount specified in subsection (C) of this section.
- (F) *Interest.* The permittee may request that any and all interest accrued on the amount in the security fund be returned to the permittee by the village, upon written request for said withdrawal to the village, provided that any such withdrawal does not reduce the security fund below the minimum balance required in subsection (C) of this section.
- (G) *Closing and return of security fund.* Upon completion of the work authorized under the permit, the permittee shall be entitled to the return of the security fund, or such portion thereof as remains on deposit, within a reasonable time after account is taken for all offsets necessary to compensate the village for failure by the permittee to comply with any provisions of this chapter or other applicable law. In the event of any revocation of the permit, the security fund, and any and all accrued interest therein, shall become the property of the village to the extent necessary to cover any reasonable costs, loss or damage incurred by the village as a result of said revocation, provided that any amounts in excess of said costs, loss or damage shall be refunded to the permittee.
- (H) *Rights not limited.* The rights reserved to the village with respect to the security fund are in addition to all other rights of the village, whether reserved by this chapter or otherwise authorized by law, and no action, proceeding or exercise of right with respect to said security fund shall affect any other right the village may have. Notwithstanding the foregoing, the village shall not be entitled to a double monetary recovery with respect to any of its rights which may be infringed or otherwise violated.
- (Ord. 07-141, 11-19-2007)

Sec. 4-11-11. Permit suspension and revocation.

- (A) *Village right to revoke permit.* The village may revoke or suspend a permit issued pursuant to this chapter for one or more of the following reasons:
1. Fraudulent, false, misrepresenting, or materially incomplete statements in the permit application;
 2. Noncompliance with this chapter;
 3. Permittee's physical presence or presence of permittee's facilities on, over, above, along, upon, under, across, or within the rights-of-way presents a direct or imminent threat to the public health, safety, or welfare; or
 4. Permittee's failure to construct the facilities substantially in accordance with the permit and approved plans.
- (B) *Notice of revocation or suspension.* The village shall send written notice of its intent to revoke or suspend a permit issued pursuant to this chapter stating the reason or reasons for the revocation or suspension and the alternatives available to permittee under this section.

(C) *Permittee alternatives upon receipt of notice of revocation or suspension.* Upon receipt of a written notice of revocation or suspension from the village, the permittee shall have the following options:

1. Immediately provide the village with evidence that no cause exists for the revocation or suspension;
2. Immediately correct, to the satisfaction of the village, the deficiencies stated in the written notice, providing written proof of such correction to the village within five working days after receipt of the written notice of revocation; or
3. Immediately remove the facilities located on, over, above, along, upon, under, across, or within the rights-of-way and restore the rights-of-way to the satisfaction of the village providing written proof of such removal to the village within ten days after receipt of the written notice of revocation.

The village may, in its discretion, for good cause shown, extend the time periods provided in this subsection.

(D) *Stop work order.* In addition to the issuance of a notice of revocation or suspension, the village may issue a stop work order immediately upon discovery of any of the reasons for revocation set forth within subsection (A) of this section.

(E) *Failure or refusal of the permittee to comply.* If the permittee fails to comply with the provisions of subsection (C) of this section, the village or its designee may, at the option of the village: 1) correct the deficiencies; 2) upon not less than 20 days' notice to the permittee, remove the subject facilities or equipment; or 3) after not less than 30 days' notice to the permittee of failure to cure the noncompliance, deem them abandoned and property of the village. The permittee shall be liable in all events to the village for all costs of removal.

(Ord. 07-141, 11-19-2007)

Sec. 4-11-12. Change of ownership or owner's identity or legal status.

(A) *Notification of change.* A utility shall notify the village no less than 30 days prior to the transfer of ownership of any facility in the right-of-way or change in identity of the utility. The new owner of the utility or the facility shall have all the obligations and privileges enjoyed by the former owner under the permit, if any, and applicable laws, ordinances, rules and regulations, including this chapter, with respect to the work and facilities in the right-of-way.

(B) *Amended permit.* A new owner shall request that any current permit be amended to show current ownership. If the new owner fails to have a new or amended permit issued in its name, the new owner shall be presumed to have accepted, and agreed to be bound by, the terms and conditions of the permit if the new owner uses the facility or allows it to remain on the village's right-of-way.

(C) *Insurance and bonding.* All required insurance coverage or bonding must be changed to reflect the name of the new owner upon transfer.

(Ord. 07-141, 11-19-2007)

Sec. 4-11-13. General construction standards.

- (A) *Standards and principles.* All construction in the right-of-way shall be consistent with applicable ordinances, codes, laws, rules and regulations, and commonly recognized and accepted traffic control and construction principles, sound engineering judgment and, where applicable, the principles and standards set forth in the following IDOT publications, as amended from time to time:
1. "Standard Specifications for Road and Bridge Construction";
 2. "Supplemental Specifications and Recurring Special Provisions";
 3. "Highway Design Manual";
 4. "Highway Standards Manual";
 5. "Standard Specifications for Traffic Control Items";
 6. "Illinois Manual On Uniform Traffic Control Devices" (92 Ill. Admin. Code 545);
 7. "Flagger's Handbook"; and
 8. "Work Site Protection Manual for Daylight Maintenance Operations."
- (B) *Interpretation of municipal standards and principles.* If a discrepancy exists between or among differing principles and standards required by this chapter, the director of public works shall determine, in the exercise of sound engineering judgment, which principles apply and such decision shall be final. If requested, the director of public works shall state which standard or principle will apply to the construction, maintenance, or operation of a facility in the future.

(Ord. 07-141, 11-19-2007)

Sec. 4-11-14. Traffic control.

- (A) *Minimum requirements.* The village's minimum requirements for traffic protection are contained in IDOT's "Illinois Manual On Uniform Traffic Control Devices" and this Code.
- (B) *Warning signs, protective devices, and flaggers.* The utility is responsible for providing and installing warning signs, protective devices and flaggers, when necessary, meeting applicable federal, state, and local requirements for protection of the public and the utility's workers when performing any work on the rights-of-way.
- (C) *Interference with traffic.* All work shall be phased so that there is minimum interference with pedestrian and vehicular traffic.
- (D) *Notice when access is blocked.* At least 48 hours prior to beginning work that will partially or completely block access to any residence, business or institution, the utility shall notify the resident, business or institution of the approximate beginning time and duration of such work; provided, however, that in cases involving emergency repairs pursuant to section 4-11-20 of this chapter, the utility shall provide such notice as is practicable under the circumstances.

- (E) *Compliance.* The utility shall take immediate action to correct any deficiencies in traffic protection requirements that are brought to the utility's attention by the village.

(Ord. 07-141, 11-19-2007)

Sec. 4-11-15. Location of facilities.

- (A) *General requirements.* In addition to location requirements applicable to specific types of utility facilities, all utility facilities, regardless of type, shall be subject to the general location requirements of this subsection.

1. *No interference with village facilities.* No utility facilities shall be placed in any location if the director of public works determines that the proposed location will require the relocation or displacement of any of the village's utility facilities or will otherwise interfere with the operation or maintenance of any of the village's utility facilities.
2. *Minimum interference and impact.* The proposed location shall cause only the minimum possible interference with the use of the right-of-way and shall cause only the minimum possible impact upon, and interference with the rights and reasonable convenience of property owners who adjoin said right-of-way.
3. *No interference with travel.* No utility facility shall be placed in any location that interferes with the usual travel on such right-of-way.
4. *No limitations on visibility.* No utility facility shall be placed in any location so as to limit visibility of or by users of the right-of-way.
5. *Size of utility facilities.* The proposed installation shall use the smallest suitable vaults, boxes, equipment enclosures, power pedestals, and/or cabinets then in use by the facility owner, regardless of location, for the particular application. Any structure larger than 48 inches in length, width or height will require board approval before a permit will be issued.

- (B) *Parallel facilities located within highways.*

1. *Overhead parallel facilities.* An overhead parallel facility may be located within the right-of-way lines of a highway only if:
 - (a) Lines are located as near as practicable to the right-of-way line and as nearly parallel to the right-of-way line as reasonable pole alignment will permit;
 - (b) Where pavement is curbed, poles are as remote as practicable from the curb with a minimum distance of two feet (0.6 m) behind the face of the curb, where available;
 - (c) Where pavement is uncurbed, poles are as remote from pavement edge as practicable with minimum distance of four feet (1.2 m) outside the outer shoulder line of the roadway and are not within the clear zone;
 - (d) No pole is located in the ditch line of a highway; and
 - (e) Any ground mounted appurtenance is located within one foot (0.3 m) of the right-of-way line or as near as possible to the right-of-way line.

2. *Underground parallel facilities.* An underground parallel facility may be located within the right-of-way lines of a highway only if:
 - (a) The facility is located as near the right-of-way line as practicable and not more than eight feet (2.4 m) from and parallel to the right-of-way line;
 - (b) A new facility may be located under the paved portion of a highway only if other locations are impracticable or inconsistent with sound engineering judgment (e.g., a new cable may be installed in existing conduit without disrupting the pavement); and
 - (c) In the case of an underground power or communications line, the facility shall be located as near the right-of-way line as practicable and not more than five feet (1.5 m) from the right-of-way line and any above grounded appurtenance shall be located within one foot (0.3 m) of the right-of-way line or as near as practicable.

(C) *Facilities crossing highways.*

1. *No future disruption.* The construction and design of crossing facilities installed between the ditch lines or curb lines of village highways may require the incorporation of materials and protections (such as encasement or additional cover) to avoid settlement or future repairs to the roadbed resulting from the installation of such crossing facilities.
2. *Cattle passes, culverts, or drainage facilities.* Crossing facilities shall not be located in cattle passes, culverts, or drainage facilities.
3. *Ninety degree crossing required.* Crossing facilities shall cross at or as near to a 90 degree angle to the centerline as practicable.
4. *Overhead power or communication facility.* An overhead power or communication facility may cross a highway only if:
 - (a) It has a minimum vertical line clearance as required by ICC's rules entitled "construction of electric power and communication lines" (83 Ill. Admin. Code 305);
 - (b) Poles are located within one foot (0.3 m) of the right-of-way line of the highway and outside of the clear zone; and
 - (c) Overhead crossings at major intersections are avoided.
5. *Underground power or communication facility.* An underground power or communication facility may cross a highway only if:
 - (a) The design materials and construction methods will provide maximum maintenance free service life; and
 - (b) Capacity for the utility's foreseeable future expansion needs is provided in the initial installation.
6. *Markers.* The village may require the utility to provide a marker at each right-of-way line where an underground facility other than a power or communication facility crosses a highway. Each marker shall identify the type of facility, the utility, and an

emergency phone number. Markers may also be eliminated as provided in current federal regulations (49 CFR section 192.707 (1989)).

(D) *Facilities to be located within particular rights-of-way.* The village may require that facilities be located within particular rights-of-way that are not highways, rather than within particular highways.

(E) *Freestanding facilities.*

1. The village may restrict the location and size of any freestanding facility located within a right-of-way.
2. The village may require any freestanding facility located within a right-of-way to be screened from view.

(F) *Facilities installed aboveground.* Aboveground facilities may be installed only if:

1. No other existing facilities in the area are located underground;
2. New underground installation is not technically feasible; and
3. The proposed installation will be made at a location, and will employ suitable design and materials, to provide the greatest protection of aesthetic qualities of the area being traversed without adversely affecting safety. Suitable designs include, but are not limited to, self-supporting armless, single pole construction with vertical configuration of conductors and cable. Existing utility poles and light standards shall be used wherever practicable; the installation of additional utility poles is strongly discouraged.

(G) *Facility attachments to bridges or roadway structures.*

1. Facilities may be installed as attachments to bridges or roadway structures only where the utility has demonstrated that all other means of accommodating the facility are not practicable. Other means shall include, but are not limited to, underground, underwater, independent poles, cable supports and tower supports, all of which are completely separated from the bridge or roadway structure. Facilities transmitting commodities that are volatile, flammable, corrosive, or energized, especially those under significant pressure or potential, present high degrees of risk and such installations are not permitted.
2. A utility shall include in its request to accommodate a facility installation on a bridge or roadway structure supporting data demonstrating the impracticability of alternate routing. Approval or disapproval of an application for facility attachment to a bridge or roadway structure will be based upon the following considerations:
 - (a) The type, volume, pressure or voltage of the commodity to be transmitted and an evaluation of the resulting risk to persons and property in the event of damage to or failure of the facility;
 - (b) The type, length, value, and relative importance of the highway structure in the transportation system;
 - (c) The alternative routings available to the utility and their comparative practicability;
 - (d) The proposed method of attachment;

- (e) The ability of the structure to bear the increased load of the proposed facility;
- (f) The degree of interference with bridge maintenance and painting;
- (g) The effect on the visual quality of the structure; and
- (h) The public benefit expected from the utility service as compared to the risk involved.

(H) *Appearance standards.*

- 1. The village may prohibit the installation of facilities in particular locations in order to preserve visual quality.
- 2. A facility may be constructed only if its construction does not require extensive removal or alteration of trees or terrain features visible to the right-of-way user or to adjacent residents and property owners, and if it does not impair the aesthetic quality of the lands being traversed.

(Ord. 07-141, 11-19-2007)

Sec. 4-11-16. Construction methods and materials.

(A) *Standards and requirements for particular types of construction methods.*

- 1. *Boring or jacking.*
 - (a) *Pits and shoring.* Boring or jacking under rights-of-way shall be accomplished from pits located at a minimum distance specified by the director of public works from the edge of the pavement. Pits for boring or jacking shall be excavated no more than 48 hours in advance of boring or jacking operations and backfilled within 48 hours after boring or jacking operations are completed. While pits are open, they shall be clearly marked and protected by barricades. Shoring shall be designed, erected, supported, braced, and maintained so that it will safely support all vertical and lateral loads that may be imposed upon it during the boring or jacking operation.
 - (b) *Wet boring or jetting.* Wet boring or jetting shall not be permitted under the roadway.
 - (c) *Borings with diameters greater than six inches.* Borings over six inches (0.15 m) in diameter shall be accomplished with an auger and following pipe, and the diameter of the auger shall not exceed the outside diameter of the following pipe by more than one inch (25 mm).
 - (d) *Borings with diameters six inches or less.* Borings of six inches or less in diameter may be accomplished by either jacking, guided with auger, or auger and following pipe method.
 - (e) *Tree preservation.* Any facility located within the drip line of any tree designated by the village to be preserved or protected shall be bored under or around the root system.

2. *Trenching.* Trenching for facility installation, repair, or maintenance on rights-of-way shall be done in accord with the applicable portions of section 603 of IDOT's "Standard Specifications For Road and Bridge Construction."
 - (a) *Length.* The length of open trench shall be kept to the practicable minimum consistent with requirements for pipe/line testing. Only one-half of any intersection may have an open trench at any time unless special permission is obtained from the director of public works.
 - (b) *Open trench and excavated material.* Open trench and windrowed excavated material shall be protected as required by chapter 6 of the "Illinois Manual On Uniform Traffic Control Devices." Where practicable, the excavated material shall be deposited between the roadway and the trench as added protection. Excavated material shall not be allowed to remain on the paved portion of the roadway. Where right-of-way width does not allow for windrowing excavated material off the paved portion of the roadway, excavated material shall be hauled to an off road location.
 - (c) *Drip line of trees.* The utility shall not trench within the drip line of any tree designated by the village to be preserved.
3. *Backfilling.*
 - (a) Any pit, trench, or excavation created during the installation of facilities shall be backfilled for its full width, depth, and length using methods and materials in accordance with IDOT's "Standard Specifications for Road and Bridge Construction." When excavated material is hauled away or is unsuitable for backfill, suitable granular backfill shall be used.
 - (b) For a period of three years from the date construction of a facility is completed, the utility shall be responsible to remove and restore any backfilled area that has settled due to construction of the facility. If so ordered by the director of public works, the utility, at its expense, shall remove any pavement and backfill material to the top of the installed facility, place and properly compact new backfill material, and restore new pavement, sidewalk, curbs, and driveways to the proper grades, as determined by the director of public works.
4. *Pavement cuts.* Pavement cuts for facility installation or repair shall be permitted on a highway only if that portion of the highway is closed to traffic. If a variance to the limitation set forth in this subsection (A)4 is permitted under section 4-11-21 of this chapter, the following requirements shall apply:
 - (a) Any excavation under pavements shall be backfilled and compacted as soon as practicable with granular material of CA-6 or CA-10 gradation, as designated by the director of public works.
 - (b) Restoration of pavement, in kind, shall be accomplished as soon as practicable, and temporary repair with bituminous mixture shall be provided immediately. Any subsequent failure of either the temporary repair or the restoration shall be rebuilt upon notification by the village.
 - (c) All saw cuts shall be full depth.

- (d) For all rights-of-way which have been reconstructed with a concrete surface/base in the last seven years, or resurfaced in the last three years, permits shall not be issued unless such work is determined to be an emergency repair or other work considered necessary and unforeseen before the time of the reconstruction or unless a pavement cut is necessary for a JULIE locate.

5. *Encasement.*

- (a) Casing pipe shall be designed to withstand the load of the highway and any other superimposed loads. The casing shall be continuous either by one piece fabrication or by welding or jointed installation approved by the village.
- (b) The venting, if any, of any encasement shall extend within one foot (0.3 m) of the right-of-way line. No aboveground vent pipes shall be located in the area established as clear zone for that particular section of the highway.
- (c) In the case of water main or service crossing, encasement shall be furnished between bore pits unless continuous pipe or village approved jointed pipe is used under the roadway. Casing may be omitted only if pipe is installed prior to highway construction and carrier pipe is continuous or mechanical joints are of a type approved by the village. Bell and spigot type pipe shall be encased regardless of installation method.
- (d) In the case of gas pipelines of 60 psig or less, encasement may be eliminated.
- (e) In the case of gas pipelines or petroleum products pipelines with installations of more than 60 psig, encasement may be eliminated only if: 1) extra heavy pipe is used that precludes future maintenance or repair and 2) cathodic protection of the pipe is provided.
- (f) If encasement is eliminated for a gas or petroleum products pipeline, the facility shall be located so as to provide that construction does not disrupt the right-of-way.

6. *Minimum cover of underground facilities.* Cover shall be provided and maintained at least in the amount specified in the following table for minimum cover for the type of facility:

Type of Facility	Minimum Cover
Electric lines	30 inches (0.8 m)
Communication, cable or video service lines	18 to 24 inches (0.46 m to 0.6 m, as determined by village)
Gas or petroleum products	30 inches (0.8 m)
Water line	Sufficient cover to provide freeze protection
Sanitary sewer, storm sewer, or drainage line	Sufficient cover to provide freeze protection

(B) *Standards and requirements for particular types of facilities.*

1. *Electric power or communication lines.*

- (a) *Code compliance.* Electric power or communications facilities within village rights-of-way shall be constructed, operated, and maintained in conformity with

the provisions of 83 Ill. Admin. Code Part 305 (formerly general order 160 of the Illinois Commerce Commission) entitled "rules for construction of electric power and communication lines," and the National Electrical Safety Code.

- (b) *Overhead facilities.* Overhead power or communication facilities shall use single pole construction and, where practicable, joint use of poles shall be used. Utilities shall make every reasonable effort to design the installation so guys and braces will not be needed. Variances may be allowed if there is no feasible alternative and if guywires are equipped with guy guards for maximum visibility.
 - (c) *Underground facilities.*
 - (1) Cable may be installed by trenching or plowing, provided that special consideration is given to boring in order to minimize damage when crossing improved entrances and side roads.
 - (2) If a crossing is installed by boring or jacking, encasement shall be provided between jacking or bore pits. Encasement may be eliminated only if: a) the crossing is installed by the use of "moles," "whip augers," or other approved methods which compress the earth to make the opening for cable installation or b) the installation is by the open trench method which is only permitted prior to roadway construction.
 - (3) Cable shall be grounded in accordance with the National Electrical Safety Code.
 - (d) *Burial of drops.* All temporary service drops placed between November 1 of the prior year and March 15 of the current year, also known as snow drops, shall be buried by May 31 of the current year, weather permitting, unless otherwise permitted by the village. Weather permitting, utilities shall bury all temporary drops, excluding snow drops, within ten business days after placement.
2. *Underground facilities other than electric power or communication lines.* Underground facilities other than electric power or communication lines may be installed by:
- (a) The use of "moles," "whip augers," or other approved methods which compress the earth to move the opening for the pipe;
 - (b) Jacking or boring with vented encasement provided between the ditch lines or toes of slopes of the highway;
 - (c) Open trench with vented encasement between ultimate ditch lines or toes of slopes, but only if prior to roadway construction; or
 - (d) Tunneling with vented encasement, but only if installation is not possible by other means.
3. *Gas transmission, distribution and service.* Gas pipelines within rights-of-way shall be constructed, maintained, and operated in a village approved manner and in conformance with the federal code of the office of pipeline safety operations, department of transportation, part 192 — transportation of natural and other gas by pipeline: minimum federal safety standards (49 CFR section 192), IDOT's "Standard

Specifications For Road and Bridge Construction," and all other applicable laws, rules, and regulations.

4. *Petroleum products pipelines.* Petroleum products pipelines within rights-of-way shall conform to the applicable sections of ANSI standard code for pressure piping (liquid petroleum transportation piping systems ANSI-B 31.4).
5. *Water lines, sanitary sewer lines, storm water sewer lines or drainage lines.* Water lines, sanitary sewer lines, storm sewer lines, and drainage lines within rights-of-way shall meet or exceed the recommendations of the current "Standard Specifications For Water and Sewer Main Construction in Illinois."
6. *Ground mounted appurtenances.* Ground mounted appurtenances to overhead or underground facilities, when permitted within a right-of-way, shall be provided with a vegetation free area extending one foot (305 mm) in width beyond the appurtenance in all directions. The vegetation free area may be provided by an extension of the mounting pad, or by heavy duty plastic or similar material approved by the director of public works. With the approval of the director of public works, shrubbery surrounding the appurtenance may be used in place of vegetation free area. The housing for ground mounted appurtenances shall be painted a neutral color to blend with the surroundings.

(C) *Materials.*

1. *General standards.* The materials used in constructing facilities within rights-of-way shall be those meeting the accepted standards of the appropriate industry, the applicable portions of IDOT's "Standard Specifications for Road and Bridge Construction," the requirements of the Illinois Commerce Commission, or the standards established by other official regulatory agencies for the appropriate industry.
2. *Material storage on right-of-way.* No material shall be stored on the right-of-way without the prior written approval of the director of public works. When such storage is permitted, all pipe, conduit, wire, poles, cross arms, or other materials shall be distributed along the right-of-way prior to and during installation in a manner to minimize hazards to the public or an obstacle to right-of-way maintenance or damage to the right-of-way and other property. If material is to be stored on right-of-way, prior approval must be obtained from the village.
3. *Hazardous materials.* The plans submitted by the utility to the village shall identify any hazardous materials that may be involved in the construction of the new facilities or removal of any existing facilities.

(D) *Operational restrictions.*

1. Construction operations on rights-of-way may, at the discretion of the village, be required to be discontinued when such operations would create hazards to traffic or the public health, safety, and welfare. Such operations may also be required to be discontinued or restricted when conditions are such that construction would result in extensive damage to the right-of-way or other property.
2. These restrictions may be waived by the director of public works when emergency work is required to restore vital utility services.

3. Unless otherwise permitted by the village, the hours of construction are those set forth in chapter 10 of this title.
- (E) *Location of existing facilities.* Any utility proposing to construct facilities in the village shall contact JULIE and ascertain the presence and location of existing aboveground and underground facilities within the rights-of-way to be occupied by its proposed facilities. The village will make its permit records available to a utility for the purpose of identifying possible facilities. When notified of an excavation or when requested by the village or by JULIE, a utility shall locate and physically mark its underground facilities within 48 hours, excluding weekends and holidays, in accordance with the Illinois Underground Facilities Damage Prevention Act (220 ILCS 50/1 et seq.).

(Ord. 07-141, 11-19-2007)

Sec. 4-11-17. Vegetation control.

- (A) *Electric utilities; compliance with state laws and regulations.* An electric utility shall conduct all tree trimming and vegetation control activities in the right-of-way in accordance with applicable Illinois laws and regulations, and additionally, with such local franchise or other agreement with the village as permitted by law.
- (B) *Other utilities; tree trimming permit required.* Tree trimming that is done by any other utility with facilities in the right-of-way and that is not performed pursuant to applicable Illinois laws and regulations specifically governing same, shall not be considered a normal maintenance operation, but shall require the application for, and the issuance of, a permit, in addition to any other permit required under this chapter.
 1. *Application for tree trimming permit.* Applications for tree trimming permits shall include assurance that the work will be accomplished by competent workers with supervision who are experienced in accepted tree pruning practices. Tree trimming permits shall designate an expiration date in the interest of assuring that the work will be expeditiously accomplished.
 2. *Damage to trees.* Poor pruning practices resulting in damaged or misshapen trees will not be tolerated and shall be grounds for cancellation of the tree trimming permit and for assessment of damages. The village will require compensation for trees extensively damaged and for trees removed without authorization. The formula developed by the International Society of Arboriculture will be used as a basis for determining the compensation for damaged trees or unauthorized removal of trees. The village may require the removal and replacement of trees if trimming or radical pruning would leave them in an unacceptable condition.
- (C) *Specimen trees or trees of special significance.* The village may require that special measures be taken to preserve specimen trees or trees of special significance. The required measures may consist of higher poles, side arm extensions, covered wire or other means.
- (D) *Chemical use.*
 1. Except as provided in the following subsection, no utility shall spray, inject or pour any chemicals on or near any trees, shrubs or vegetation in the village for any purpose, including the control of growth, insects or disease.

2. Spraying of any type of brush killing chemicals will not be permitted on rights-of-way unless the utility demonstrates to the satisfaction of the director of public works that such spraying is the only practicable method of vegetation control.

(Ord. 07-141, 11-19-2007)

Sec. 4-11-18. Removal, relocation, or modifications of utility facilities.

- (A) *Notice.* Within 90 days following written notice from the village, a utility shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any utility facilities within the rights-of-way whenever the corporate authorities have determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any village improvement in or upon, or the operations of the village in or upon, the rights-of-way.
- (B) *Removal of unauthorized facilities.* Within 30 days following written notice from the village, any utility that owns, controls, or maintains any unauthorized facility or related appurtenances within the rights-of-way shall, at its own expense, remove all or any part of such facilities or appurtenances from the rights-of-way. A facility is unauthorized and subject to removal in the following circumstances:
 1. Upon expiration or termination of the permittee's license or franchise, unless otherwise permitted by applicable law;
 2. If the facility was constructed or installed without the prior grant of a license or franchise, if required;
 3. If the facility was constructed or installed without prior issuance of a required permit in violation of this chapter; or
 4. If the facility was constructed or installed at a location not permitted by the permittee's license or franchise.
- (C) *Emergency removal or relocation of facilities.* The village retains the right and privilege to cut or move any facilities located within the rights-of-way of the village, as the village may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the municipality shall attempt to notify the utility, if known, prior to cutting or removing a facility and shall notify the utility, if known, after cutting or removing a facility.
- (D) *Abandonment of facilities.* Upon abandonment of a facility within the rights-of-way of the village, the utility shall notify the village within 90 days. Following receipt of such notice the village may direct the utility to remove all or any portion of the facility if the director of public works determines that such removal will be in the best interest of the public health, safety and welfare. In the event that the village does not direct the utility that abandoned the facility to remove it, by giving notice of abandonment to the village, the abandoning utility shall be deemed to consent to the alteration or removal of all or any portion of the facility by another utility or person.

(Ord. 07-141, 11-19-2007)

Sec. 4-11-19. Cleanup and restoration.

The utility shall remove all excess material and restore all turf and terrain and other property within ten days after any portion of the rights-of-way are disturbed, damaged or destroyed due to construction or maintenance by the utility, all to the satisfaction of the village. This includes restoration of entrances and side roads. Restoration of roadway surfaces shall be made using materials and methods approved by the director of public works. Such cleanup and repair may be required to consist of backfilling, regrading, reseeding, resodding, or any other requirement to restore the right-of-way to a condition substantially equivalent to that which existed prior to the commencement of the project. The time period provided in this section may be extended by the director of public works for good cause shown.

(Ord. 07-141, 11-19-2007)

Sec. 4-11-20. Maintenance and emergency maintenance.

(A) *General.* Facilities on, over, above, along, upon, under, across, or within rights-of-way are to be maintained by or for the utility in a manner satisfactory to the village and at the utility's expense.

(B) *Emergency maintenance procedures.* Emergencies may justify noncompliance with normal procedures for securing a permit:

1. If an emergency creates a hazard on the traveled portion of the right-of-way, the utility shall take immediate steps to provide all necessary protection for traffic on the highway or the public on the right-of-way including the use of signs, lights, barricades or flaggers. If a hazard does not exist on the traveled way, but the nature of the emergency is such as to require the parking on the shoulder of equipment required in repair operations, adequate signs and lights shall be provided. Parking on the shoulder in such an emergency will only be permitted when no other means of access to the facility is available.
2. In an emergency, the utility shall, as soon as possible, notify the director of public works or his or her duly authorized agent of the emergency, informing him or her as to what steps have been taken for protection of the traveling public and what will be required to make the necessary repairs. If the nature of the emergency is such as to interfere with the free movement of traffic, the village police shall be notified immediately.
3. In an emergency, the utility shall use all means at hand to complete repairs as rapidly as practicable and with the least inconvenience to the traveling public.

(C) *Emergency repairs.* The utility must file in writing with the village a description of the repairs undertaken in the right-of-way within 48 hours after an emergency repair.

(Ord. 07-141, 11-19-2007)

Sec. 4-11-21. Variances.

- (A) *Request for variance.* A utility requesting a variance from one or more of the provisions of this chapter must do so in writing to the director of public works as a part of the permit application. The request shall identify each provision of this chapter from which a variance is requested and the reasons why a variance should be granted.
- (B) *Authority to grant variances.* The director of public works shall decide whether a variance is authorized for each provision of this chapter identified in the variance request on an individual basis.
- (C) *Conditions for granting of variance.* The director of public works may authorize a variance only if the utility requesting the variance has demonstrated that:
 - 1. One or more conditions not under the control of the utility (such as terrain features or an irregular right-of-way line) create a special hardship that would make enforcement of the provision unreasonable, given the public purposes to be achieved by the provision; and
 - 2. All other designs, methods, materials, locations or facilities that would conform to the provision from which a variance is requested are impracticable in relation to the requested approach.
- (D) *Additional conditions for granting of a variance.* As a condition for authorizing a variance, the director of public works may require the utility requesting the variance to meet reasonable standards and conditions that may or may not be expressly contained within this chapter but which carry out the purposes of this chapter.
- (E) *Right to appeal.* Any utility aggrieved by any order, requirement, decision or determination, including denial of a variance, made by the director of public works under the provisions of this chapter shall have the right to appeal to the village board, or such other board or commission as it may designate. The application for appeal shall be submitted in writing to the village clerk within 30 days after the date of such order, requirement, decision or determination. The village board shall commence its consideration of the appeal at the board's next regularly scheduled meeting occurring at least seven days after the filing of the appeal. The village board shall timely decide the appeal.

(Ord. 07-141, 11-19-2007)

Sec. 4-11-22. Penalties.

Any person found liable/guilty by a preponderance of the evidence in an administrative/judicial hearing of violating, disobeying or omitting, neglecting or refusing to comply with or who resists the enforcements of any of the provisions of this chapter shall be subject to a class IV fine, plus applicable hearing costs, as provided in subsection 1-4-3(G) of this Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Furthermore, should the village incur costs, including costs attributable to claims by third parties, the person found liable/guilty shall be liable to the village for reimbursement (if the village has paid said costs and expenses) or payment (if costs and expenses remain due and payable) of said costs and expenses thus incurred.

No other administrative agency or commission may review or overrule a permit related cost apportionment of the village. Sanctions may be imposed upon a person failing to reimburse or pay, as appropriate, costs and expenses apportioned to it.

(Ord. 09-42, 5-12-2009)

Sec. 4-11-23. Enforcement.

Nothing in this chapter shall be construed as limiting any additional or further remedies that the village may have for enforcement of this chapter.

(Ord. 07-141, 11-19-2007)

Chapter 12 ELEVATORS AND CONVEYANCE SYSTEMS

Sec. 4-12-1. Adoption.

A certain document, one copy of which is on file in the office of the Building and Permits department of the village, being marked and designated as the 2021 International Building Code and the 2021 International Residential Code, published by the International Code Council, Inc., be and is hereby adopted as the regulations for elevator and conveyance systems in the Village of Oswego in the state of Illinois; for the control of buildings and structures as herein provided and each and all of the regulations, provisions, penalties, conditions and terms of the 201 International Building Code, and the 2021 edition of the International Residential Code, are hereby referred to, adopted and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in section 4-12-2 of this chapter.

(Ord. 09-51, 7-7-2009)

Sec. 4-12-2. Amendments.

None at this time.

(Ord. 09-51, 7-7-2009)

Chapter 13 TEMPORARY STRUCTURES

Sec. 4-13-1. Definitions.

Air-inflated structure. A building or structure where the shape of the structure is maintained by air pressurization of cells or tubes to form the structure.

Assembly purposes. For the context of this chapter; a structure or area used for the purpose of; eating, drinking, music, art, or other performances, speeches, demonstrations, weddings, parties or other social gatherings.

Canopy. A structure, enclosure or shelter constructed of fabric or pliable materials without sides.

Fire break. As used in this chapter, a strip of clear space between structures of a minimum of twelve feet. The clear space shall be void of any guy ropes or hold-down equipment for the structure.

Membrane structures. A collective term encompassing air-supported, air-inflated, membrane-covered cable and membrane-covered frame structures.

Temporary structure. For this chapter; a structure that is erected or assembled for a limited time corresponding to the duration of an activity or event. Temporary structures shall include but are not limited to vegetable/fruit stands or similar free standing structures, temporary walls for the display of art or crafts, shelving units, tents, canopies, membrane structures, or air-inflatable structures.

Tent. A structure, enclosure or shelter constructed of fabric or pliable material, with drops or sidewall panels, supported by any manner except by air or the contents that it protects.

(Ord. 17-18, 4-11-2017)

Sec. 4-13-2. Permit; when required.

(A) Individual ten-foot by ten-foot structures separated by an approved fire-break do not require a permit.

(B) A permit is required for temporary structures under the following conditions:

1. Temporary structures used for assembly purposes:
 - (a) Occupant load of 50 people or more;
 - (b) Exceeding 200 square feet for commercial or non-residential purposes for events requiring a special event permit or structures erected for more than four consecutive days;
 - (c) Exceeding 400 square feet on a residential lot for residential or personal use that are erected for more than four consecutive days.
2. Tents used for other than assembly purposes exceeding 400 square feet. The square footage is inclusive of a single structure or multiple structures assembled without a minimum 12-foot fire break between the structures or group of structures.
3. Canopies exceeding 700 square feet. The square footage is inclusive of a single structure or multiple structures assembled without a minimum 12-foot fire break between the structures or group of structures.
4. Air-inflated structures exceeding 400 square feet or used in a non-residential setting.

(Ord. 17-18, 4-11-2017)

Sec. 4-13-3. Permit application.

A permit application needs to be submitted on the form(s) provided by the Village of Oswego. The permit application shall include the following:

- (A) Site plan:

1. Location of structure on the property;
 2. Dimensions to lot lines;
 3. Dimensions to other structures on property including other tents/canopies;
 4. Fire lanes provided;
 5. Fire breaks provided between structures.
- (B) Size and number of structures.
- (C) Proposed use.
- (D) Interior layout of tent/canopy.
- (E) Documentation on load and wind rating of structure.
- (F) High wind action plan. Plan needs to include:
1. Action to be taken at wind speeds of 20 mph,
 2. Action to be taken at wind speeds of 30 mph,
 3. Action to be taken at wind speeds of 40 mph.
- (G) Anchorage details:
1. Size, type, and number to be used—based on manufacturer written instructions and recommendations. Water barrels are not allowed unless specifically approved by manufacturer or certified by a licensed structural engineer.
 2. Location.
 3. Attachment method to structure.
 4. Temporary structures as outlined in section 4-13-1 of this chapter shall be securely anchored to prevent the units from being pulled or knocked over and prevent either partial or full collapse.
- (H) Fire retardant (flame certificate) certification on each structure.

(Ord. 17-18, 4-11-2017)

Sec. 4-13-4. Time limits.

- (A) A temporary structure cannot be erected for a period exceeding 180 days.
- (B) The temporary structure shall be removed within three days of the termination of the event.
- (Ord. 17-18, 4-11-2017)

Sec. 4-13-5. Fees.

A \$50.00 fee shall be charged for temporary structures not associated with a special event permit for the processing and issuance of the required permit.

(Ord. 17-18, 4-11-2017)

Sec. 4-13-6. Enforcement.

It shall be the duty of the building official, or his/her designee to inspect all temporary structures requiring a permit as to their location on the lot in regards to lot lines and adjacent structures, installation and anchoring methods, exits and egress capacity, required safety equipment, and to make or cause to be made periodic inspections concerning the operation and accessibility of all such public places.

(Ord. 17-18, 4-11-2017)

Sec. 4-13-7. Penalty.

Any person found liable/guilty by a preponderance of the evidence of a violation of this chapter in an administrative/judicial hearing shall be subject to a class IV fine, plus applicable hearing costs, as provided in subsection 1-4-3(G) of this Code.

(Ord. 17-18, 4-11-2017)

Chapter 14 SWIMMING POOL AND SPA CODE**Sec. 4-14-1. Adoption.**

A certain document, one copy of which is on file in the office of the Building and Permits Manager of the village, being marked and designated as the 2021 International Swimming Pool and Spa Code, published by the International Code Council, Inc., be and is hereby adopted as the swimming pool and spa code of the Village of Oswego in the State of Illinois, for the control of buildings, structures and processes as herein provided and each and all of the regulations, provisions, penalties, conditions and terms of the 2021 International Swimming Pool and Spa Code, is hereby referred to, adopted and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in section 4-14-2 of this chapter.

Sec. 4-14-2. Amendments.

(A) The following sections of the 2021 International Swimming Pool and Spa Code are hereby added or amended:

Section 101.1. Insert: The Village of Oswego.

Section 111 Delete the text in the section and insert: See 113 of the International Building Code.

Section 4-14-4 Referenced standards

Delete the International Plumbing Code and insert the Illinois Plumbing Code

Chapter 15 EXISTING BUILDING CODE

Sec. 4-15-1. Adoption.

A certain document, one copy of which is on file in the office of the Building and Permits Manager of the village, being marked and designated as the 2021 International Existing Building Code, published by the International Code Council, Inc., be and is hereby adopted as the existing building code of the Village of Oswego in the State of Illinois, for the control of buildings, structures and processes as herein provided and each and all of the regulations, provisions, penalties, conditions and terms of the 2021 International Existing Building Code, is hereby referred to, adopted and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in section 4-15-2 of this chapter.

Sec. 4-15-2. Amendments.

- (A) The following sections of the 2021 International Existing Building Code are hereby added or amended:

Section 101.1. Insert: The Village of Oswego.

Section 101.2 Delete the section but not the exception and insert the following:

Section 102.2 Scope. Amend to read: The provisions of this chapter shall control the alteration, repair, addition, change of occupancy, change of use group, and changes in business ownership or name of tenant spaces in existing structures and of the existing structures.

Exception: Existing bleachers, grandstands and folding and telescopic seating shall comply with ICC 300.

Section 102.2.1 Compliance With Other Codes. Amend to read: Alterations, repairs, additions and changes of occupancy to existing structures shall comply with the provisions for alterations, repairs, additions and changes of occupancy in the International Fire Code, International Fuel Gas Code, International Plumbing Code, International Property Maintenance Code, International Private Sewage Disposal Code, International Mechanical Code, International Residential Code, 2004 Illinois Plumbing Code, the current edition of the Illinois Accessibility Code, International Energy Conservation Code and the 2008 National Electric Code.

Section 102.2.2 Conformance. Amend to read: No change shall be made in the use or occupancy of any building or tenant space, unless such building or tenant space is made to comply with the requirements of this section. No change shall be made in the use or occupancy of any building that would place the building in a different division of the same group of occupancy or in a different group of occupancies, unless such building is made to comply with the requirements of this code for such division or group of occupancy. Subject to the approval of the building official, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use. Any change of occupancy regardless of use group shall comply with sections 3408.1.1 through 3408.1.3.

Section 102.2.3 Change of Occupancy. Changes in ownership or lease agreements of a structure or tenant space will require the owner or the owner's designated agent to apply for a change of occupancy permit. This application is required when there are no changes proposed for the structure or space affected.

Section 102.2.4 Require Inspections. Upon the receipt of the required application and the payment of associated fees a site visit/inspection shall be scheduled based on the policies and procedures of the Village of Oswego.

The site visit/inspection shall include the inspection of:

- a) Emergency egress lighting installed and operational
- b) Required fire extinguishers installed and have current certification
- c) Required exit signs installed and operational
- d) Operating hardware for egress components meet accessibility requirements
- e) Domestic water supply installed and metered with current certification on any installed cross-connection prevention devices
- f) Sanitary requirements are in place and operational
- g) Electrical systems visually inspected for safety
- h) Any existing fire suppression system and/or fire alarm system is operational and has current certification

Section 102.2.5 Certificate of Occupancy. Upon the approval of the site visit/inspection a new certificate of occupancy shall be requested by the owner or the owner's designated agent. If no code violations were observed and provided the new or proposed use/occupancy is less hazardous, based on life and fire risk, than the existing use a new certificate of occupancy shall be issued. In addition, a new certificate of occupancy will not be issued until the new occupant has all associated fees paid to the Village of Oswego.

Section 112 Delete the text in the section and insert: See 113 of the International Building Code.

Section 1301.6 Add the following: Local amendments shall be fully applied despite the results of the performance evaluation.

Section 4-4-4 Referenced standards

Delete the International Plumbing Code and insert the Illinois Plumbing Code

Chapter 15 MOBILE HOME REQUIRMENTS

Sec. 4-15-1-1. Adoption.

A certain document, the section provides the basic requirements for the installation of Mobile Homes.

- (A) Comply with the State of Illinois Mobile home criteria
- (B) Comply with the HUD requirements for Mobile Homes
- (C) The water service shall comply with the State of Illinois Plumbing Code
- (D) The foundation shall be full 4 inch slab with a four inch base with provisions to attach hold down devices
- (E) All accessory structures shall be a minimum of 5 feet from the Mobile Home.
- (F) The mobile Home shall be a minimum of - - - - _10 feet apart.
- (G) See other Ordinances for additional requirements