

VILLAGE OF BOURBONNAIS

ORDINANCE NO. 20 - 2203

**AN ORDINANCE REPEALING THE CURRENT CHAPTER 7 - BUILDINGS AND
BUILDING REGULATIONS OF THE MUNICIPAL CODE AND REPLACING IT WITH
THE NEW CHAPTER 7 - BUILDINGS AND BUILDING REGULATIONS AS
ATTACHED**

**ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BOURBONNAIS
THIS 18th DAY OF February, 2020**

Published in pamphlet form by authority of the Board of Trustees of the Village of Bourbonnais,
Kankakee County, Illinois this ____ day of _____, 2020.

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AN ORDINANCE REPEALING THE CURRENT CHAPTER 7 - BUILDINGS AND BUILDING REGULATIONS OF THE MUNICIPAL CODE AND REPLACING IT WITH THE NEW CHAPTER 7 - BUILDINGS AND BUILDING REGULATIONS AS ATTACHED

WHEREAS, The President and Board of Trustees (the “Corporate Authorities”) of the Village of Bourbonnais, Kankakee County, Illinois, an Illinois Municipal Corporation, (the “Village”), desire to ensure that citizens have adequate light, pure air, and safety from fire and other dangers, that the taxable value of land and buildings throughout the municipality may be conserved, that congestion in the public streets may be lessened or avoided, that the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters may be lessened or avoided, and that the public health, safety, comfort, morals, and welfare may otherwise be promoted, and to insure and facilitate the preservation of sites, areas, and structures of historical, architectural and aesthetic importance and promote economic growth within the Village of Bourbonnais by creating a new and up to date Chapter 7 - BUILDINGS AND BUILDING REGULATIONS; and

WHEREAS, on Jun 26, 2019 the Community and Economic Development Committee voted to proceed with updating Chapter 7 - BUILDINGS AND BUILDING REGULATIONS of the Code of Ordinances of the Village; and

WHEREAS, The Assistant Village Administrator, Laurie Cyr and the Building Commissioner Paul Hafner thereafter drafted a document updating and amending Chapter 7 of the Code of Ordinances, which is attached hereto and made part hereof as Exhibit ‘A’; and

WHEREAS, On January 22, 2020 the Community and Economic Development Committee, after having said Exhibit “A” presented to it at an open meeting, voted to present the attached to the Village Board for approval; and

WHEREAS, The Village is authorized by the Illinois Municipal Code, 65 ILCS 5/1-1-1 et al, and more specifically at 65 Ill. Comp. Stat. Ann. 5/11-30-4 to prescribe the strength and manner of constructing all buildings, structures and their accessories and of the construction of fire escapes thereon; and

WHEREAS, the corporate authorities hereby find and determine that amending and updating the Chapter 7 - BUILDINGS AND BUILDING REGULATIONS is essential to protect and further the public health, safety, and welfare; and

WHEREAS, the Corporate Authorities of the Village find that it is necessary, appropriate and in the best interests of the Village and its citizens to repeal the existing Chapter 7 - BUILDINGS AND BUILDING REGULATIONS and replace it with the new Chapter 7 - BUILDINGS AND BUILDING REGULATIONS attached hereto as Exhibit "A".

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BOURBONNAIS, KANKAKEE COUNTY, ILLINOIS AS FOLLOWS:

SECTION ONE: The foregoing recitals are hereby found to be true and correct and shall be and are hereby incorporated into and made part of this Section One as though they were fully set forth in this Section One.

SECTION TWO: The current Chapter 7 - BUILDINGS AND BUILDING REGULATIONS as found in the Village of Bourbonnais Code of Ordinances is hereby repealed on the exact date and time of the new Chapter 7 - BUILDINGS AND BUILDING REGULATIONS, as attached in Exhibit "A", becoming effective.

SECTION THREE: Exhibit "A", attached hereto and made part hereof is hereby adopted as the new Chapter 7 - BUILDINGS AND BUILDING REGULATIONS. The Village President, and the Village Clerk and anyone they so designate are hereby authorized to take any and all necessary actions to carry out the intent of this Ordinance.

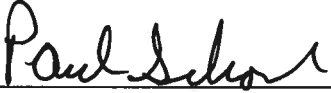
SECTION FOUR: Should any provision or section of this Ordinance be declared invalid by any Court of competent jurisdiction; such declaration shall not affect the validity of this Ordinance as a whole or any part hereof other than the part so declared to be invalid.

SECTION FIVE: This Ordinance shall be in full force and effect immediately upon passage and has been approved by the required vote.

**[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK, VOTE
TALLY AND SIGNATURE PAGE TO IMMEDIATELY FOLLOW]**

PASSED AND APPROVED by the President and Board of Trustees of the Village of Bourbonnais, Kankakee County, Illinois this 18TH day of February, 2020 by the following vote:

Trustee Greenlee	Aye - <u>X</u>	Nay - _____	Absent - _____
Trustee Fischer	Aye - _____	Nay - _____	Absent - <u>X</u>
Trustee King	Aye - <u>X</u>	Nay - _____	Absent - _____
Trustee Keast	Aye - <u>X</u>	Nay - _____	Absent - _____
Trustee Littrell	Aye - <u>X</u>	Nay - _____	Absent - _____
Trustee Serafini	Aye - <u>X</u>	Nay - _____	Absent - _____
TOTALS:	AYE - <u>5</u>	NAY - <u>0</u>	ABSENT - <u>1</u>



PAUL SCHORE
Village President

ATTEST:


BRIAN SIMEUR
Village Clerk

STATE OF ILLINOIS)
)
COUNTY OF KANKAKEE) SS.

CERTIFICATION OF ORDINANCE

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk for the Village of Bourbonnais, Kankakee County, Illinois (the "Municipality"), and that as such official I am the keeper of the records and files of the Municipality and its President and Board of Trustees (the "Corporate Authorities").

I do further certify that the foregoing is a full, true and complete excerpt from the proceedings of the meeting of the Corporate Authorities held on the 18TH day of February, 2020, insofar as the same relates to the adoption of an ordinance numbered and entitled:

ORDINANCE NO. 20 - 2203

AN ORDINANCE REPEALING THE CURRENT CHAPTER 7 - BUILDINGS AND BUILDING REGULATIONS OF THE MUNICIPAL CODE AND REPLACING IT WITH THE NEW CHAPTER 7 - BUILDINGS AND BUILDING REGULATIONS AS ATTACHED

a true, correct and complete copy of which ordinance as adopted at such meeting appears in the proceedings of such meeting.

I do hereby further certify that the deliberations of the Corporate Authorities on the adoption of said ordinance were conducted openly, that the vote on the adoption of said ordinance was taken openly and was preceded by a public recital of the matter being considered and such other information as would inform the public of the business being conducted, that such meeting was held at a specified time and place, convenient to the public, that notice of such meeting was duly given to all news media requesting such notice, that said meeting was called and held in strict compliance with the provisions of the open meetings laws of the State of Illinois, as amended, that this ordinance was published in pamphlet form on the date written upon its face and that the Corporate Authorities have complied with all of the procedural rules of the Corporate Authorities.

IN WITNESS WHEREOF, I hereunto affix my official signature, and the Municipality's seal, this 21ST day of February, 2020.

(SEAL)


Village Clerk



EXHIBIT “A”

NEW CHAPTER 7

Chapter 7 - BUILDINGS AND BUILDING REGULATIONS

ARTICLE I. - IN GENERAL

Sec. 7-1. - Scope.

These regulations shall control matters concerning the construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings and structures and shall apply to existing or proposed buildings and structures, except as such matters are otherwise provided for in other ordinances.

This chapter shall be construed to secure its expressed intent, which is to ensure public safety, health and welfare insofar as they are affected by building construction through structural strength, adequate means of egress facilities, sanitary equipment, lights, heating, ventilation, air conditioning, and fire safety, and to secure safety to life and property.

Sec. 7-2. - Violations.

Any person who shall violate a provision of this chapter or who 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 chapter, shall be guilty of a code violation, punishable by a fine of not more than \$750.00, or by imprisonment not exceeding 30 days or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

Sec. 7-3. - Reserved

Sec. 7-4. - Office of Building Department; Building Commissioner.

There is hereby created the office of Building Commissioner . It shall be the duty of the Building Commissioner to enforce all the provisions of this chapter and shall act on any questions relative to the mode or manner of construction trades in the erection, addition, alteration, repair, removal, demolition, installation of service equipment, use and occupancy permits, and maintenance of all buildings and structures, including sewer and water connections.

Sec. 7-5. - Appointment of Building Commissioner .

The Building Commissioner officer shall be appointed by the President by and with the consent of the board of trustees. The Building Commissioner officer or executive officer in charge therefor shall be known as the building official. The salary of such officer and all salaries shall be set by the President and board of trustees.

Sec. 7-6. - Organization.

The President shall appoint such a number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this chapter and as authorized by and with the consent of the Board of Trustees.

Sec. 7-7. - Permit required.

The true copy of the building permit shall be kept on the site of operation in public view and available to the public inspection during the entire time of the work performed.

Sec. 7-8. - Permit application and contractor's license.

1. *Permit application.* Before proceeding with the erection, enlargement, alteration, repair of building components of any building within the corporate limits of the Village, an application for a permit shall be filed with the building department. Such application shall be on a form furnished by the building department. Every such application for a permit shall describe the land upon which the

proposed building or work is to be done by some description that will readily identify and definitely locate the proposed building or work; shall show the proposed use or occupancy of all parts of the building, and shall contain such other information as the building department official may require, as outlined in ICC (International Code Council) 2018 Edition. No permit shall be issued for any single-family detached dwelling, nor any other structure occupied in whole or in part for residential purposes, which shall not contain at least 1,350 square feet of livable floor area for new constructed homes, exclusive of garages and any story below grade.

2. *Contractor's license.* All contractors as defined by the ordinances and policies of the County of Kankakee, Illinois, shall, prior to the issuance of any building permit and prior to the commencement of any work which includes, but is not limited to, any construction, erection, enlargement, alteration, repair, demolition, or excavation, shall submit to the building commissioner or his designee a true and correct copy of its license duly issued and in effect from the County of Kankakee, Illinois. The submission of the license shall authorize the contractor to perform work in the Village during the term of the license.
3. *Compliance required; penalty.* It shall be a violation of the provisions of this chapter for any person or entity to initiate any activity which under the provisions of this chapter requires the filing of an application and/or the obtaining or submitting of a permit or license before starting such activity. The violation of any such provision of this section shall be punished by a fine of not less than \$250.00 and not more than \$750.00 for each offense. Each day any violation of any provision of this Code or of any ordinance shall continue shall constitute a separate offense.
4. *Notice to comply; form; service.* The building commissioner or his/her designee is hereby authorized and empowered to notify any person or entity violating the provisions of this section, including the owner or person in control of such activity for which a permit or license is required within the provisions of this chapter within the Village, or the agent of such owner or person in control, to comply with the provisions of this chapter. Such notice may be incorporated in a standard-form complaint which may be served by any lawful means including, but not limited to, personal delivery of a copy of the complaint addressed to such individual owner or person in control at his last known address or certified or registered mailing of a copy of the complaint addressed to the owner, agent or person in control at his last known address. Personal service shall be by the building commissioner, code official, any authorized inspector, police officer of the police department or any person authorized by law to make personal service.
5. *Construction debris and waste requirements.* Each and every holder of any permit issued pursuant to this article shall comply with the following requirements:
6. No construction debris or waste shall be stored or in any way allowed to remain at any construction location outside of an appropriate garbage dumpster.
7. Every construction site shall be required to have a garbage dumpster sufficient in size to handle on site debris.
8. Every dumpster shall be sufficiently covered to prevent debris from blowing out and to prevent any unauthorized person from rummaging or contributing to its contents.
9. Debris shall be cleaned from job site daily.
10. The moving of debris from one lot to another will not be permitted.

Sec. 7-9. - Plans required.

No commercial permits shall be granted or plans approved unless plans presented by an architect shall be signed and sealed by an architect licensed as provided by law, listed under the Structural Engineering Act and Environmental Act of the State of Illinois. Provided that nothing contained in this chapter shall be construed to prevent any person from making plans and specifications for, or supervising the erection, enlargement or alteration of, any building that is to be constructed by or for himself. All such plans and drawings shall be drawn to a scale of not less than one-fourth of an inch to the foot on paper or cloth, in ink, or by some process that will not fade or obliterate, and shall be made explicit and complete,

showing the lot lines and the entire sewerage and drain pipes and the location of all plumbing fixtures within the building.

Sec. 7-10. - Alteration of plans after approval.

It shall be unlawful to erase, alter or modify any lines, figures or coloring contained upon such drawings or specifications approved by the Building Commissioner, unless supplemented plans are filed with him for reference or as outlined by ICC.

Sec. 7-11. - Permit fees established.

The Building Department shall collect the applicable permit fees before any building permit is granted. Permit and inspection fees are fixed from time to time by the Building Commissioner, and approved by Ordinance by the Village Board.

Sec. 7-12. Reserved

Sec. 7-13. - Building approval prerequisite to sewer permit.

No sewer permit shall be issued to any person before the building for which a building permit is issued is approved.

Sec. 7-14. - Notice to inspect; inspection required; approval.

Before issuing a permit, the building official may examine or cause to be examined all building structures, building components and sites for which an application has been filed for a permit to construct, enlarge, alter, repair, remove, demolish or change the use thereof. It shall be the duty of the owner or agent when a building is in the course of construction to notify the building department when the building is ready for inspection, before concealing or moving to the next step of construction.

The building official shall within three days thereafter cause an inspection to be made. If the construction is found to be in accordance with the requirements of this chapter, he shall then issue a certificate to that effect.

The building official shall conduct such inspections from time to time during and upon completion of work as deemed necessary for which a permit has been issued.

The building official or authorized representative shall have the authority to enter at any reasonable hour any building, structure or premises in the jurisdiction to enforce the provisions of this chapter, as outlined in ICC Codes.

Sec. 7-15. Reserved

Sec. 7-16. - Permit expiration.

No permit shall be valid unless work is commenced within six months from the date of its issuance. All work outlined on permit shall expire in one calendar year unless outlined under construction scheduling to complete the project approved by the Building Commissioner.

Sec. 7-17. - Suspension, revocation of permit.

Any permit issued hereunder may be suspended or revoked by the Building Commissioner for violation of any provisions of this chapter.

Sec. 7-18. - Inspection; notice of dangerous premises.

It shall be the duty of the building official, when any citizen represents that ashes or combustible materials are kept in any place in the Village in an unsafe manner, or that doors, stairways, corridors, exits or fire escapes in any factory, workshop, or other public place are insufficient for the escape of employees or persons in case of fire, panic or accident, or do not comply with the provisions of law, or

that any part of any building in the Village is in an unsafe or dangerous condition, to make or cause to be made an examination of such places or buildings and shall have access for such purposes; and if such representations are found to be true, the inspector shall give notice in writing to the owner, occupant or person in possession of such building to make such changes, alterations or repairs as public safety or the ordinances of the Village may require.

Sec. 7-19. - Nuisance structures.

1. Any building, wall or structure which is unsafe or dangerous to occupants or passersby, or to adjoining buildings, or which is unsafe or dangerous for the purpose for which it is used, or is in danger of being set on fire from any defect in its construction, or is especially dangerous in case of fire by reason of bad condition of walls or lack of sufficient stairways and means of egress in case of fire, or from overloaded floors, defective construction or other cause, is hereby declared an unsafe structure and is declared a nuisance.
2. Whenever it shall come to the knowledge of the Building Department, or complaint shall be made to him by two citizens, that any building, wall or structure in the Village is in the condition described in this section, such official shall forthwith notify in writing the owner, agent or person in possession of such building or structure to put into effect such precautionary measures as may be necessary or advisable in order to place such building or structure or part thereof in a safe condition, or to tear down and remove the building or part thereof if conditions are such as not to warrant the expenditure thereon of a sufficient amount of money to place the building in a good and safe condition. Such notice shall state briefly the nature of the work required to be done through a real estate inspection as listed in this chapter, and the building official shall specify in such notice a time in which the work required to be done shall be completed by the person notified, such time to be fixed by the Building Commissioner upon taking into consideration the condition of the building or structure or part thereof and the danger to the life or property which may result from its unsafe condition.
3. If the owner, agent or person in possession of such building or structure, or part thereof, when so notified shall fail, neglect or refuse to place such building or structure in a safe condition and to adopt such precautionary measures as have been specified by the Building Department within the time of such notice, or to remove the building if so directed; in such case at the expiration of such time it shall be the duty of the building official to proceed forthwith to remove such building or to proceed against the owner or agent.
4. If the Building Department staff shall be unable to find the owner of such building or any agent or person in control thereof upon whom notice may be served, he shall cause the notice herein provided for to be placed upon such building at or near its principal entrance, and if, at the expiration of the time specified for the completion of the work to be done, the terms of such notice have not been complied with, it shall be the duty of the Building Department to proceed against the owner or agent as provided herein. Such notice shall require the person thus notified to immediately declare to the building official acceptance or rejection of the terms of the order.
5. A building or structure condemned by the building official may be restored to safe condition provided that change of use and occupancy is not contemplated nor compelled by reason of such reconstruction or restoration, except that if the damage or cost of reconstruction or restoration is in excess of 50 percent of its replacement value exclusive of foundation, such structure shall be made to comply in all respects with the requirements for materials and methods of construction of structures hereafter erected.
6. Upon refusal or neglect of the person served with a notice to comply with the requirements of the order to abate the unsafe condition, the legal counsel of the Village shall be advised of all the facts and shall institute the appropriate action to compel compliance.

Sec. 7-20. - Stop work orders.

The Building Department shall have the power to stop construction of any building or the making of any alterations or repairs of any building within the Village when the same is being done in a reckless or

careless manner or in violation of this chapter. The building official shall have the power to stop all work, wrecking, tearing down, or moving of any building or structure within the Village when same is being done in such a manner as to endanger life or property and to order any and all persons engaged in such work to stop and desist therefrom. When such work has been stopped by the order of the building official, it shall not be resumed until the Building Official shall be satisfied that adequate precautions have been taken for the protection of the life and property and that the work will be done in conformity with the ordinances of the Village.

Sec. 7-21. - Appeal from inspector authorized; notice; procedure.

1. In a case where discretionary powers are by ordinance given to the Building Department Staff, an appeal to arbitration shall be allowed to persons believing themselves injured by the decisions of the Building Department Staff. Any persons wishing to make such appeal shall do so within five days after written notice of the decision or order of the building official has been given him. An appeal made later shall not entitle the appellant to an arbitration. The request for arbitration shall be in writing and shall state the object of the proposed arbitration and the name of the person who is to represent the person as arbitrator.
2. The Building Department Staff shall immediately notify the President and Board of Trustees upon receiving notice of appeal for arbitration. The appeals from the Building Department shall be taken to the Board of Examination and Appeals as provided in Subsection 7-50.2.

Sec. 7-22. - When Building Commissioner's decision final.

Whenever the decision of the Building Commissioner upon the safety of any building is made in a case so urgent that failure to carry out his orders to demolish or strengthen such building or part thereof may endanger life and limb, the decision and the order of the Building Commissioner shall be absolute and final.

Sec. 7-23. - Fence regulations (See Article VII – Accessory Uses and Structures in Chapter 36).

Sec. 7-24. - Mobile home occupancy.

The use of trailers for the purpose of occupancy as a dwelling or for business purposes is hereby prohibited except as follows:

1. In a trailer camp duly licensed by the state and/or the Village, or
2. On M-1 or M-2 Manufacturing district-zoned property, a mobile home may be used as office space, as long as allowed and limited by action of the Village Board of Trustees to include the passage of a resolution allowing said use. Said resolution may make any and all necessary limitations on said use of any mobile home.

Sec. 7-25. - Use of streets for storage of building materials.

The use of streets for the storage of materials in the process of construction or alteration of a building or structure may be granted where the same will not unduly interfere with traffic and will not reduce the usable width of the roadway to less than 18 feet. No portion of the street other than that directly abutting on the premises on which work is being done shall be used except with the consent of the owner or occupant of the premises abutting on such portion. Any person seeking to make such use of the street shall file an application for a permit therefor with the Building Department, together with a bond with sureties to be approved by the Village board to indemnify the Village for any loss or damage which may be incurred by such occupation.

Sec. 7-26. - Obstructing, removing sidewalks.

No sidewalk shall be obstructed in the course of building construction or alteration without a temporary sidewalk constructed for the health, welfare and safety of all persons walking past the construction site, and a building permit is required therefor; whenever removal of a sidewalk is required in

such work, a building permit is required from the building department and shall be obtained by the contractor or owner/agent.

Sec. 7-27. - Starting and stopping times for construction.

Construction time shall be set to start at 6:00 a.m. and stopping time shall be set at 10:00 p.m.

Sec. 7-28. - Safety precautions.

It shall be the duty of the person doing the construction, altering or wrecking work in this Village to do the same with proper care for the safety of persons and property. Warnings, barricades and lights shall be maintained whenever necessary for the protection of pedestrians or traffic, and temporary roofs over sidewalks shall be constructed whenever there is danger to pedestrians from falling articles or materials.

Sec. 7-29. - Garages, freestanding; accessory structures (See Article VII – Accessory Uses and Structures in Chapter 36)

Sec. 7-30. - Room sizes.

Every dwelling unit shall have at least one habitable room which shall have not less than 120 square feet of floor area. Other habitable rooms shall have an area of not less than seven feet in any horizontal direction of floor area. Every bedroom shall have not less than 70 square feet of floor area. Habitable rooms shall not be less than seven feet in any vertical dimension.

Sec. 7-31. - Anti-monotony regulations.

1. Identical models with identical elevations shall not be constructed adjacent to or across the street within 100 feet from one another as measured from the closest points on the lot lines of the lots for the proposed homes.
2. Identical models with alternative elevations may be constructed across the street from one another.
3. The same color siding shall not be used on adjacent models regardless of the type of model or elevation unless the dwelling includes brick, and the brick is a different color than that used on the adjacent homes which has the same color siding. In no case, however, shall the same color siding be used for more than three consecutive homes regardless of brick color.
4. The Village recognizes that there may be certain occasions in which a complimentary design or even a sameness of design may be desirable to carry out a development theme. Under those circumstances and as approved by the Village, the owner shall utilize landscaping, building color and other methods to create a visual variety.
5. If the Building Department finds that any proposed single-family dwelling unit violates the anti-monotony provisions of this section, the Village shall give the owner and/or builder written notice that identifies the structures that possess monotony of design. The Village may suggest specific changes in the building plans that can be made to cure the design problem. The owner and/or Builder may adopt the Village's recommendation or present a revised plan to the Building Commissioner. The Building Commissioner shall then review the owner and/or builder's revised plan. If the revised plan continues to violate the forgoing standards, the Building Commissioner shall meet and confer with the owner and/or builder to resolve the conflict.
6. The forgoing standards shall apply to all single-family homes hereinafter constructed within the Village.

Sec. 7-32. - Plat of survey with foundation location.

A plat of survey and a foundation location surveyor certification are required and shall be provided to the building commissioner after the foundation is completed. The survey shall include the foundation location, dimensioned property lines, easement locations, and building setback line requirements. The

survey shall indicate the top of foundation elevation and shall reference the benchmark noted on the neighborhood drainage plan or site development plan. No carpentry work may be commenced until providing to the building commissioner the plat of survey and a foundation location surveyor certification, provided however that the first level deck may be completed prior to delivery of the spot survey to the building commissioner. Carpentry work shall cease immediately if the plat of survey and/or foundation location surveyor certification indicates the foundation has violated building setback requirements, encroaches on existing easements or has not been constructed at an elevation consistent with the neighborhood drainage plan or site development plan.

Sec. 7-33. - Plat of topography; final grade survey requirements.

A plat of topography shall be required after the pavement, turf, and landscaped areas have been final graded. This plat shall include the elevation of the finished garage floor, sidewalk at the driveway sides, lot corners at 25-foot intervals along the front, side, and back lot lines, and any additional elevations needed to confirm some drainage feature detailed on the neighborhood drainage plan or site development plan. The plat of topography shall be provided to the building commissioner, along with a final grade surveyor certification and a final grade owner certification prior to requesting an occupancy permit. All said final grade surveyor certifications shall be in and use the form for the certification as available from the building commissioner. Occupancy shall not be permitted if the plat indicates the site grades are not constructed consistent with the neighborhood drainage plan or site development plan. The survey shall be accompanied by a property owner certification of final grading survey certifying that said owner has received a copy of the final grading survey and will maintain the elevations shown on the survey. The property owner shall further certify that erosion control measures will be provided and maintained, if necessary, until such time as final germination and/or landscaping is developed to stabilize the soil so that final grade elevations along the perimeter of the lot are not altered. Forms for this certification are available from the Zoning Administrator. As part of these final grade survey requirements the property owner shall be required to complete seed and sod landscaping to prevent erosion. A temporary certificate of occupancy may be issued by the Zoning Administrator to any applicant not able to meet the final grading survey requirements above, provided that a cash deposit of \$4,000.00 be placed with the Village and accompanied by a property owners certification of pending final grading requirement certifying that said requirements will be completed 90 days following the date of the temporary certificate of occupancy. A nonrefundable administration fee of \$300.00 will be required to process the temporary certificate of occupancy. Failure to provide the final grading survey requirements above by the aforesaid 90 days deadline may result in forfeiture of said cash deposit. Forms for this certification are available from the building commissioner.

Sec. 7-34. - Surveys required—Certificate of occupancy.

All surveys required by this chapter shall be completed and submitted to the building commissioner for approval. This approval shall be a requirement for the issuance of a certificate of occupancy.

Sec. 7-35. - Rebar.

Notwithstanding the provisions of the International Residential Code, all required footings must contain two continuous horizontal rows of a minimum #4 rebar. All required rebar will be in place and supported by an approved system prior to the placement of concrete. All footings will be required to have a keyway placed in the center of the footing measuring a minimum of two inches wide by two inches deep. All poured foundation walls must contain a minimum of two horizontal continuous rows of a minimum #4 rebar, located within 12 to 16 inches of the top of the foundation wall. All required rebar must be in place prior to the placement of concrete.

Sec. 7-36. - Basement windows.

Notwithstanding the provisions of the International Residential Code, all basements must have at least one emergency escape window which meets all requirements of the International Residential Code, 2018 edition, section R310.

Sec. 7-37. - Studs and rafters.

Notwithstanding the provisions of the International Residential Code, all interior partition walls, exterior walls, floor joists, ceiling joists, and rafters will be placed no further than 16 inches on center.

Sec. 7-38. - Sprinkling.

Notwithstanding the provisions of the International Building Code, all structures hereinafter constructed in the Village of Bourbonnais in any B-1 or B-2 zoning district, and any building with any business use listed as a permitted use in B-1 and B-2 zoning districts that is located within any M-1 or M-2 zoning district, structurally altered or expanded such that the gross square footage of the building, inclusive of basement and mezzanine, exceeds 5,000 square feet, must have installed an approved fire suppression system in compliance with section 903 of the International Building Code, 2018 edition. A variance from this provision shall only be made with the approval of the Board of Trustees.

Sec. 7-39. - Reserve

Sec. 7-40. - Drainage easements.

The placement of any landscaping not in compliance with the neighborhood drainage plan for a given property, or any accessory building or structure, swimming pool, fences, or any other improvement within said drainage easement is hereby prohibited.

Sec. 7-41. - Attached garages.

In all residentially zoned areas:

1. The maximum width of any attached garage shall not exceed 67 percent of the full width of the building.
2. The maximum height of any garage door shall not exceed eight feet.
3. The maximum number of garage doors facing in any one direction shall be limited to three single doors each having a maximum width of nine feet, or two double doors each having a maximum width of 16 feet.

Sec. 7-42. - Flex duct.

1. Effective as of the date of section, flex duct shall be limited to a length of not more than ten feet. This includes all supply and return ducting. All connections from flex ducts to metal supplies, returns will require a "hard" 90-degree elbow unless angle boots are inserted, i.e., 45 degrees. All connections must be tied with plastic wire ties. If, in special situations, it becomes impossible to adhere to this length, the Village HVAC inspector may allow for longer lengths.
2. All 90-plus furnaces require two duct system for exhaust from and combustion supply air to furnace.

Sec. 7-43. - Building separation.

Included as exception to section 507.2 of the IBC is subsection (1) which shall read:

1. Yards shall be measured from the building perimeter in all directions to the closest interior lot line or to the exterior face of the opposing building located on the same lot, as applicable.
2. Where the building fronts on a public way, the entire width of the public way shall be used.

Sec. 7-44. - Construction site toilet facilities.

1. *Facilities required during construction.* Before the construction of any building or structure is started, a temporary water-flushed toilet or an approved chemical toilet shall be maintained throughout the construction of the building or structure. If a water-flushed toilet is used, the

toilet shall be connected to the sewer and tile pipe. The person in whose name the building permit for the construction has been issued is charged with the requirement for providing the temporary water-flushed toilet or approved chemical toilet and is charged with the requirement of maintenance of the facilities during the course of construction. Said facilities shall be provided for each building or structure and shall be functional for each building and structure.

2. *Violation; fine.* Any person, corporation or entity who shall violate a provision of this section or who shall fail to comply with any of the requirements thereof shall be guilty of a code violation, punishable by a fine [of] \$200.00 per day for each building or structure not in compliance. Each day that a violation continues shall be deemed a separate offense.

Sec. 7-45. - Reserved

Sec. 7-46. - Building codes adopted.

The purpose of this article is to provide minimum requirements to safeguard life or limb, health and public welfare, and the protection of property as it relates to these safeguards by regulating and controlling the design, construction, prefabrication, equipping or appliance installation, quality of materials, use and occupancy, location and repair of all buildings and structures within the Village. Also, the purpose is to further standardize requirements by using a compilation of data from the following codes:

International Building Code	2018
International Residential Code	2018
International Mechanical Code	2018
International Fire Protection Code	2018
International Property Maintenance Code	2018
National Electric Code	2017
Illinois State Plumbing Code	Most Recent
International Fuel Gas Code	2018
Illinois Accessibility Code	Most Recent
International Energy Conservation Code	Most Recent

The technical codes listed hereinabove are hereby adopted as the building codes of the Village for the control of buildings and structures as herein provided, and each and all of the regulations, provisions, penalties, conditions and terms of such codes are hereby referred to, adopted and made a part hereof as if fully set out in this chapter with the additions and changes as are prescribed in this chapter.

Sec. 7-47. - Fee schedule.

1. *Commercial fee schedule* is set from time to time by the Building Commissioner, and approved by Ordinance by the Village Board.
 - a. *Definition.* Commercial fees apply to all buildings or structures designed or constructed by an architect, including, but not limit[ed] to, retail and wholesale stores, distribution facilities, manufacturing facilities, service facilities of any kind, hotels, motels, tourist homes, or any listing under B-1, B-2, M-1, M-2 permitted or special use permits.
 - b. Commercial fees shall also apply to commercial signs, demolitions, parking lots, sewer and water lines, heating/air conditioning, and any repairs or remodeling of any existing commercial building, but shall not be limited to the above.
 - c. *Determination of fee.* The value of any commercial permit, including, but not limited to, signage, remodeling, expansion, renovation and/or new construction shall be calculated on the basis of the estimated value of the proposed activity. Said amount shall be fixed from time to time by the Building Commissioner, and approved by Ordinance by the Village Board.
2. *Residential fee schedule* is fixed from time to time by the Building Commissioner, and approved by Ordinance by the Village Board.
 - a. *Definition.* Residential fees apply to all single-family dwellings and two-family dwellings, including, but not limited to, their construction, repair or beautification. It shall also include all sheds, accessory buildings, swimming pools, room additions, roofs, decks, fences, siding, driveways, sidewalks, curbs, all cement work, brick work, demolition, tear-offs, patios, patio enclosures, window replacement, installation of or repair of central air units, installation of or repair of sewer and water lines, garages, new homes, gutter repair or replacement, but shall not be limited to the above.
 - b. *Starting and stopping times for construction.* Construction time shall be set to start at 6:00 a.m. and stopping time shall be set at 10:00 p.m.
 - c. *Determination of fee—New construction.* The value of any residential permit for new construction shall be set from time to time by the Building Commissioner, and approved by Ordinance by the Village Board.

Sec. 7-48. – Furnace requirements.

A minimum 90-percent high-efficiency furnace will be required. Box sills must be insulated to a minimum of R20.

Sec. 7-49. - Amendments to building codes.

The following words, provisions, and paragraphs are to be added to the following designated sections of the codes adopted in section 7-46. The amendments below shall control construction within the Village even if no specific section of the codes adopted is designated below. These provisions supersede the requirements of any such codes.

1. *Section R113.4, Violation penalties*, of the International Residential Code, latest edition, shall be amended as follows:
 - a. *R113.4 Violation Penalties.* 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 directives of the

building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

2. Section 310.4 *Residential Group, R-3 occupants permanent in nature and not classified as Group R-1, R-2, R-4, or I*, of the International Building Code, latest edition, is amended to read as follows:
 - a.
 - b. Buildings that do not contain more than two dwelling units
 - c. Care facilities that provide accommodations for five or fewer persons receiving care
 - d. Congregate living facilities (non-transient) with 16 or fewer occupants
 - i. Boarding houses (non-transient)
 - ii. Convents
 - iii. Dormitories
 - iv. Fraternity or sororities
 - v. Monasteries
 - e. Congregate living facilities (transient) with 10 or fewer occupants
 - i. Board houses (transient)
 - f. Lodging houses (transient) with five or fewer guest rooms and 10 or fewer occupants
3. *Sheathing*: All outer walls and gable ends of buildings constructed for residential usage shall be sheathed with a minimum 7/16 " oriented strand board (OSB) or equivalent plywood or similar approved product insulated sheathing, tuff r type products or rigid poly styrene are not allowed.
4. *Housewrap*: All outer walls of buildings constructed for residential usage shall be covered with tyvek, typar or approved similar materials. These materials must be applied according to manufacturer's recommendations.
5. *Overhangs*: All overhangs of buildings constructed for residential usage shall have a minimum 12" finished overhang including the rake edge of a gable roof.
6. *Attached garages*: All inner walls and ceiling of attached garages be insulated with a minimum R-13 and covered by 5/8 (five-eighths) inch type X gypsum board or equivalent. All joints shall be taped and fastener heads covered with compound in accordance with standard drywall techniques.
7. International Residential Code 2018 Edition, section R105.2 concerning "work exempt from permit," delete entire section.
8. International Residential Code 2018 Edition, section R313, delete entire section.
9. International Residential Code; chapters 11, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44 and appendix A, B, C, D, E, I, J, K, L, M, N, O AND P, delete in their entirety.
10. International Mechanical Code 2018 Edition, Section 101.2, exception, delete the entire "exception."
11. In all residential units in any R-4 or R-5 zoned property, each unit shall have an independent means of egress and shall be separated by an approved UL listed two hour fire separation assembly extending from footing to bottom of roof decking. Roof decking shall be approved fire retardant plywood and extend a minimum of 48" from each side of the separation assembly.

Sec. 7-50. - Board of Examiners and Appeals.

There is hereby created a Board of Examiners and Appeals.

Authority. The Board of Examiners and Appeals hears and decides appeals of orders, decisions, determinations, application, and the interpretations of chapter 7 of the Municipal Code of the Village of Bourbonnais. An application for appeal shall be based on a claim that the true intent of this code or the

rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of the building codes.

1. *Makeup.* The Board of Examiners and Appeals shall consist of five members appointed by the Village President of the Village of Bourbonnais with the approval of the Village Board of Trustees for terms of three years each. The initial terms of the members shall be staggered with one member having a one-year term, two members having a two-year term, and two members having a three-year term. Members shall be qualified by experience and training to pass upon matters pertaining to building construction. Each member shall represent one of the following disciplines: An electrician, plumber, civil engineer, architect, and a general contractor.
2. *Dismissal.* The Village President of the Village of Bourbonnais shall have the power to remove any member of the Board of Examiners and Appeals for cause upon a recommendation made after a public hearing of the Village's administration committee.
3. *Vacancies.* Vacancies on such board shall be filled for the unexpired portion of the term of the member whose place has become vacant by an appointment of the Village President of the Village of Bourbonnais approved by the Village board.

Sec. 7-50.1. - Designation of chairman of Board of Examiners and Appeals.

The chairman of the Board of Examiners and Appeals shall be designated by the Village President of the Village of Bourbonnais and shall hold office as chairman until his successor is appointed. Such chairman, or in his absence an acting chairman elected by the members of the Board of Examiners and Appeals present, may administer oaths and compel the attendance of witnesses.

Sec. 7-50.2. - Meetings and hearings.

1. *Meetings, procedure.* All meetings of the Board of Examiners and Appeals shall be held at the call of the chairman or at such regular times and at such place as the board may determine by a majority vote of its membership. All business meetings and all actions taken by the board shall be in the Village. All hearings conducted by the board shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of oral and documentary evidence submitted at its hearings and of its other official actions. Findings of fact shall be included in the minutes of each case involving the determination of suitability of alternate materials or types of construction or for interpretation of the meaning of this chapter. Included also in the minutes shall be the reason for such determination or interpretation, as a majority shall make at such hearing or after such investigation as it may have.
2. *Rules and regulations.* The board shall adopt such reasonable rules and regulations for conducting its hearings and investigations as are not in conflict with this chapter or with state law.
3. *Records of cases, rules, etc., to be public record.* The record in every case, every rule or regulation, all recommendations to the Village board for new legislation, and every order, requirement, decision or determination of the board shall be filed immediately in the office of the Village of Bourbonnais Building Department and be a public record. The building department, thereafter, shall follow such determination or interpretation until it is legally overruled by the Board of Examiners and Appeals, by the courts or by amendment by the Village board. Another duplicate shall be directed to any person, firm, or corporation involved in an appeal or in a request for interpretation.

Sec. 7-50.3. - Functions generally.

1. *Appeals.* The Board of Examiners and Appeals shall hear and decide appeals from any order, requirement, decision or determination made by the building department related to this chapter. Appeals shall be made in writing to the building commissioner of the Village of Bourbonnais on the applicable application form, as provided by the building department, and there shall be a

filing fee as an amount fixed from time to time by the Building Commissioner, and approved by Ordinance by the Village Board .

2. *Fees.* There shall be a non-refundable filing fee of \$400.00, payable upon submittal of application. If the board requires the services of expert witnesses, the cost shall be borne by the applicant.
3. *Decisions.* The board may reverse or affirm wholly or partly or may modify or amend the order, requirement, decision, or determination appealed from to the extent and in the manner that the board may decide to be fitting and proper in the premises, and to that end the board shall also have all the powers of the officer from whom the appeal is taken. The decision of the board, on appeals, shall be final.
4. *Amendments.* The board on its own initiative or at the request of any person or group, including the building department, may recommend to the Village board, after public hearing, amendments to the building code.
5. *Hearings.* The board shall make a decision, a determination, or a recommendation within 30 days after a public hearing is conducted by the board. A notice of the time and place of such public hearing shall be published in the newspaper of general circulation in the county at least 15 days prior to the hearing. Such notice shall also contain the address or location of the property for which the determination or other ruling by the board is sought, as well as, a brief description of the nature of the appeal.

Sec. 7-50.4. - Effective period of orders.

No order of the Board of Examiners and Appeals permitting the erection or alteration of a building shall not be valid for a longer period than one year from the date of such order unless a building permit for such erection or alteration is requested within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit when issued.

Secs. 7-51—7-61. - Reserved.

DIVISION 2. - PROPERTY MAINTENANCE CODE

Sec. 7-62. - Sump pumps and gutters.

Notwithstanding any of the provisions of the International Building Code, the Code of the Village of Bourbonnais and/or any other international code adopted hereunder, all sump pump discharges and gutter discharges, whether for new construction or existing development, shall be made directly into the nearest storm sewer or "French type" drain. If no storm sewer exists, the sump pump and gutters shall discharge to a point at least five feet from the foundation and no closer than five feet from any property line. Gutters and sump pumps not draining into a storm sewer shall discharge at least five feet from the foundation and not onto neighbor's property, public sidewalks and/or streets in a manner that may cause a public nuisance.

Secs. 7-63—7-70. - Reserved.

DIVISION 3. - ENERGY CONSERVATION CODE

Sec. 7-71. - Energy Conservation Code adopted.

A certain document, three copies of which are on file in the office of the Village Clerk, being marked and designated as "The ICC. Basic Energy Conservation Code," the most recent edition as published by the Building Officials and Code Administrators International, Inc., be and is hereby adopted as the energy conservation code of the Village for the control of buildings and structures as herein provided, and each and all of the regulations, provisions, penalties, conditions and terms of the most recent edition of the

ICC. Basic Energy Conservation 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 this chapter.

Secs. 7-72—7-80. - Reserved.

DIVISION 4. - ONE- AND TWO-FAMILY DWELLING CODE

Sec. 7-81. - One- and Two-Family Dwelling Code adopted.

A certain document, three copies of which are on file in the office of the Village Clerk, being marked and designated as "The One and Two Family Dwelling Code," the most recent edition as published by the nationally recognized model code groups be and is hereby adopted as the one- and two-family dwelling code of the Village for the control of buildings and structures as herein provided, and each and all of the regulations, provisions, penalties, conditions and terms of the most recent edition of the One and Two Family Dwelling 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 this chapter.

Secs. 7-82—7-85. - Reserved.

DIVISION 5. - FIRE CODE

Sec. 7-86. - Compliance required.

1. All new, change of use or extensively remodeled buildings (more than 50 percent of the building value or 50 percent of the building footprint) shall conform to the requirements of this division if any type of building permit is required to be issued for remodeling, additions, repairs, or other alterations to the principal structure.
2. All construction commencing on or after the date of passage and approval of this division shall comply with the provisions of this division.

Secs. 7-87—7-93. - Reserved.

Sec. 7-94. - Regulation—Construction.

1. *Definitions.* Unless the context otherwise required, the words and phrases herein defined are used in this section in the sense given them in the following definitions.
2. *Decorative landscaping.* The process by which a landscape architect arranges and modifies the effect or natural scenery over a given tract or area as to produce the best aesthetic effect considering the use to which the tract or area is to be put. This definition includes, but is not limited to, the use of decorative planting.
3. *Exposed aggregate.* Natural, or cultured stone chips embedded in cement, concrete, pre-cast and epoxy materials in sections or panels.
4. *Front elevations.* Includes those side portions of a structure which face or are contiguous with a public street or streets, thoroughfare, or ways.
5. *Glass.* Includes all windows and entry doors together with frames for same and/or glass panels, precasted, to the building.
6. *Rear elevations.* Includes that portion of a structure which faces away from all public streets and which is not visible to the traffic on any public way.
7. *Rooftop fixtures.* All rooftop mechanical fixtures shall be screened from public view with an approved architectural screening.
8. *Side elevations.* Includes that portion or portions of a structure which do not face or are not contiguous with a public street, thoroughfare or ways.

9. *Solid finish veneers.* Brick stone, cultured stone, cultured brick, or any primary materials laminated in any approved construction manner to the exterior or interior walls.
10. *Solid masonry.* Brick, cement, concrete blocks, stone or exposed aggregate or a combination of these.

Sec. 7-95. - Construction requirements.

1. In all business and manufacturing districts, all new buildings or additions designed or intended to be constructed must have a poured concrete continuous footing and walls. The footings shall be a minimum of ten inches deep and five inches on each side of the wall extending to a depth below the standard frost line of 42 inches, together with a poured foundation wall having a minimum thickness of eight inches.
2. All new buildings in the business and manufacturing districts, as well as any additions thereto, shall have the primary and secondary material on the exterior as listed in section 7-96 herein.
3. All exterior walls of buildings in the business or manufacturing districts must attain a one-hour fire rating.
4. All new buildings in the business or manufacturing district, as well as all existing buildings which are to be improved by more than 50 percent, shall meet or exceed all ICC design parameters.
5. All buildings in the business or manufacturing district shall be constructed as listed in this article, and all mansard roofs which shall be no lower than eight feet from the top of finished grade and/or top of foundation.
6. For all buildings in the B-1, B-2 and M-1 zoning districts:
 - a) Front elevations shall consist of not less than 90 percent of primary materials and not more than ten percent of secondary materials as listed in section 7-96 herein. For purposes of this article, each side of a building which fronts upon a street shall be considered as a front elevation.
 - b) Side elevations shall consist of not less than 70 percent of primary materials and not more than 30 percent of secondary materials as listed in section 7-96 herein.
7. For buildings in the M-2 Manufacturing district, front elevations shall consist of not less than 30 percent of primary materials, and not more than 70 percent of secondary materials as listed in section 7-96 herein. For purposes of this article, each side of a building which fronts upon a street shall be considered as a front elevation.
8. Rear elevations of buildings in the business district or the manufacturing district may consist of all secondary materials as listed in this article.

Sec. 7-96. - Structural elements.

1. All new developments, relocated buildings, and additions in the business district or manufacturing district shall have exterior walls with a minimum of one-hour fire resistant wall rating and approved weather resistant coverings as listed but not limited to the following:
 - a) *Primary materials.*
 - i) Face brick;
 - ii) Common brick;
 - iii) Solid masonry;
 - (1) Split face (block or brick);
 - (2) Exposed aggregate;
 - (3) Natural stone;

(4) Fiber Cement Siding

- iv) Pre-cast and/or poured concrete;
- v) Exposed aggregate;
- vi) Dryvit or equal;
- vii) Glass;
- viii) Ceramics;
- ix) Marble and/or granite or equal;
- x) Cultured stone or brick.

b) *Secondary materials.*

- i) Architectural metals (no lapped seams);
- ii) Wood or wood products or equal;
- iii) Vinyl;
- iv) Aluminum;
- v) Clad materials.

2. In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonies to their surroundings.
3. All materials shall be of a permanent nature and require a minimum amount of maintenance.
4. A variance from this provision shall only be made with the approval of the Zoning Administrator

Sec. 7-97. - Reserved.

Sec. 7-98. - Landscaping. (See Chapter 36 for Landscaping Requirements)

Sec. 7-99. - Enforcement.

It shall be the duty of the Building Department to enforce the provisions of this division.

Sec. 7-100. - Violations; notice of violation; penalties; abatement.

1. It shall be unlawful for any person, firm or corporation to violate any section of this division. The Building Department Staff shall serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, use or occupancy of a building in violation of the provisions of this division or in violation of a detailed statement or plan approved thereunder, or if in violation of a permit or certificate issued under the provisions of this division. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.
2. If the notice of violation is not complied with promptly, the Building Commissioner shall request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation or to require the removal or termination of the unlawful use of the building or structure in violation of the provisions of this division or of the order or direction made pursuant thereto.
3. Any person who shall violate a provision of this division or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Building Department Staff, or of a permit or certificate issued under the provisions of this division, shall be guilty of a misdemeanor,

punishable by a fine of not more than \$750.00. Each day that a violation continues shall be deemed a separate offense.

4. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or use of a building or structure on or about any premises.

Secs. 7-101—7-110. - Reserved.

DIVISION 6. - RESIDENTIAL EXTERIOR BUILDING MATERIALS

Sec. 7-111. - Purpose.

The purpose of this chapter is to provide minimum standards to safeguard life, health, property, property values, and public welfare by regulating exterior construction materials for single-family and multifamily residential structures.

Sec. 7-112. - Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. *Brick.* Brick shall be defined as kiln fired clay brick. No manufactured brick shall be permitted.
2. *Stone.* Stone shall be defined as granite, marble, limestone, slate, river rock, field stone, and other hard and durable naturally occurring all weather stone. Cut stone is acceptable. No manufactured stone shall be permitted.

Approved masonry material. Approved masonry materials shall include utility brick, textured and colored architectural concrete block.

Sec. 7-113. - Applicability and scope.

1. Reconstructions and replacements of existing single-family homes in the R-1 zoning district are exempted from the requirements of this division. All other new buildings and additions, alterations, reconstructions, and replacements of existing structures requiring building permits for which building permits have not been issued as of the effective date of this division shall be subject to and comply with the provisions herein.
2. Any permitted accessory buildings or structures shall be exempt from the provisions herein.
3. Lots developed within a planned unit development process are subject to all provisions herein.
4. All public uses including governmental buildings, public schools, (elementary or high), educational institutions having courses of study equivalent to those of public schools, and churches or other buildings for religious worship are subject to the exterior materials requirements in the highest zoning classification permitting the use.
5. Permitted uses having distinct architectural styles or features suited for incorporation of exterior materials other than specified in this division may submit plans for a variance to be considered by the Village Board.

Sec. 7-114. - Residential districts.

1. One-family detached dwelling units, one-family attached dwelling units and two-family dwelling units (duplex) shall contain the following minimum requirements: A minimum of 75 percent of primary materials per Section 7-96 on the front exterior wall. In addition to the requirements for the front exterior wall, 75 percent of primary materials per Section 7-96 on any side exterior wall facing a street, road or highway. Accent materials such as "approved

primary materials" may be permitted as a building material for the front façade of the first floor when the material is limited to architectural accent features only, is not a primary building material, and does not exceed 25 percent of the front façade of the first floor. No plywood, aluminum, or steel shall be used on any one family detached or attached dwelling unit.

2. Multifamily dwelling units and apartments shall contain a minimum of 75 percent of either face brick or native stone on all exterior walls and a minimum of primary materials per Section 7-96 on 90 percent of each first-floor elevation. Accent materials such as "approved primary materials" may be permitted as a building material for the front façade of the first floor when the material is limited to architectural accent features only, is not a primary building material, and does not exceed ten percent of the first-floor elevation and does not exceed 50 percent of all exterior walls. No plywood, aluminum, or steel shall be used on two-family dwelling units or multifamily dwelling units.

Secs. 7-115—7-120. - Reserved.

ARTICLE III. - MOVING BUILDINGS

Sec. 7-121. - Moving buildings restricted.

It shall be unlawful for any person to move into or within the Village any building (constructed prior to March 5, 1979) without the prior approval of the Building Commissioner, planning commission, President and Board of Trustees of the Village.

Sec. 7-122. - Public hearing required.

Following receipt of a petition to relocate a building, the planning commission shall cause a public hearing to be held on the application.

Sec. 7-123 - Standards.

In consideration of the petition, the planning commission shall take into consideration:

1. A statement, as submitted by the petitioner, from a structural engineer, as to the soundness of the building to undergo the relocation as proposed; and
2. The age, size, general condition and architectural style of the building relative to the age, size, general condition and architectural style of any existing or planned structures adjacent to the site to which the building is to be relocated.

Sec. 7-124. - Requirements for moving buildings.

In the event the Village approves the moving of a building in or within the Village as provided for herein, the moving of the building must comply with the following restrictions and any other restrictions imposed by the President and Board of Trustees of the Village:

1. The petitioner shall submit a site plan to the building commissioner for review and approval.
2. The petitioner shall complete the movement of the building and the relocation of the building on a foundation within 60 days of the date of the approval by the President and Board of Trustees.
3. The petitioner shall post a performance bond payable to the Village, cashier's check, negotiable securities, or establish an escrow account in the amount of 110 percent of the estimated cost of the movement of the building and the relocation of the building on a foundation, as approved by the Village, to insure timely satisfactory movement and relocation of the building.
4. If the petitioner does not complete the movement of the building and the relocation of the building onto a foundation within 60 days of the date of the approval by the Village, the petitioner shall forfeit the performance bond, cashier's check, negotiable securities, or escrow monies pursuant to paragraph (b) above and the Village shall coordinate the completion of the

moving and relocation of the building. On or before 55 days after the date the petitioner received the approval of the Village, the Village shall notify the petitioner of the pending forfeiture and the Village's completion of the moving and relocation of the building in the event the petitioner does not complete the project within 60 days from the date of approval by the Village. Failure to provide this notice shall not prevent the Village from receiving the forfeited funds and coordinating the completion of the project.

Sec. 7-125. - Streets.

Sec. 7-126. - Landmarks exempt from provisions.

This article shall not affect the moving of buildings within the Village that have been designated an official landmark by the President and Board of Trustees of the Village.

Sec. 7-127. - Penalty for violation.

The violation of any provision of this article is declared and deemed to be a class C misdemeanor. Unless otherwise provided, any person found guilty of violating any section of this article shall be punished by a fine not to exceed \$750.00 or a sentence of imprisonment not to exceed 30 days or both. Each violation shall be considered and shall constitute a separate offense.

Secs. 7-128—7-149. - Reserved.

Sec. 7-150. - Responsibility of owner.

It shall be the responsibility of the owner of a commercial building within the Village to notify the building department as to any immediate vacancies in all or any portion of said building.

Sec. 7-151. - Abandonment.

The building department shall maintain a list of all vacant commercial and retail space within the Village, inclusive of the location, size, age of building, and date upon which the premises became vacant.

Sec. 7-152. - Inspection report.

Any commercial or retail space which is vacant for more than six months shall be subject to an annual inspection report. This report shall be the responsibility of and at the expense of the property owner. Within 30 days of written notice from the Village, the owner of said building shall provide to the building department a certificate of inspection from a private, fully licensed and qualified inspection company, attesting to the fact that the following items are in full compliance with the applicable standards of the Village: electrical system, HVAC system, sprinkler system, plumbing system, and structural integrity of the building.

Sec. 7-153. - Repairs.

Should any of the above items not be in compliance, the owner of the building shall immediately initiate repairs. If necessary, the Village may require the posting of a performance bond to cover the full cost of the repairs.

Sec. 7-154. - Penalty for violation.

Any person found to be in violation of the provision of this article shall be subject to a fine of not less than \$100.00 nor more than \$500.00. Each day shall be considered a separate offense.

Secs. 7-155—7-299. - Reserved.

Sec. 7-300. - Purpose.

The purpose of this article is to improve and maintain the residential rental housing stock of the Village by the enforcement of the property maintenance code through annual registration and periodic inspections.

Sec. 7-301. - Definitions.

The following capitalized words, terms and phrases, when used in this article, shall have the meanings respectively ascribed to them in this section, except where the context or use clearly indicates another or different meaning:

1. *Certificate of compliance* means the certificate issued after the successful inspection of a rental residential premises pursuant to this article.
2. *Dwelling unit* means any single unit providing complete, independent living facilities for one or more occupants, including permanent provisions for living, sleeping, eating, cooking and sanitation. For the purposes of this article, a dwelling unit also includes a "mobile home" as defined in the Mobile Home Act. for purposes of this article, "dwelling" or "dwelling units" shall not include residences owned by any university, college or community college and used exclusively for student housing that is located on the campus of said university or college.
3. *Occupant* means any person who is living or sleeping in a dwelling unit or having possession of any space within a dwelling unit.
4. *Owner* means any person or legal entity having a legal or equitable property interest in a dwelling unit, including, as applicable, any agent, heir, beneficiary, executor, administrator, legal representative, successor or assign thereof.
5. *Rental residential premises* means any residential premises in which any one or more of the dwelling units contained therein is a rental residential unit.
6. *Rental residential unit* means any dwelling unit which is occupied or used, or available for occupation and use, by any occupant or occupants for money or other consideration paid or given to any owner.
7. *Residential premises* means the land and any building or structure located thereon which contains one or more separate dwelling units. For the purposes of this article, a residential premises also includes an individual condominium unit.
8. *Village inspector* means the building commissioner of the Village, including such other employees or appointees of the building department of the Village who is or are designated by the Village inspector to exercise some or all of the powers, duties and functions of the Village inspector in this article.

Sec. 7-302. - Registration required.

It shall be unlawful and a violation of this section for the owner of any rental residential premises to fail to file the annual registration statement required to be filed under and pursuant to such section 7-303, to provide any false statement or information in connection with any such annual registration statement or to fail to notify the Village building department of any material change in the information required to be included in any such annual registration statement which may affect the ability of the Village to enforce the provisions of this article.

Sec. 7-303. - Registration.

1. *Registration statement.* Except as otherwise provided in this section, the owner of any rental residential premises shall, on or before January 1 of each year, file a registration statement with the building department of the Village for each individual residential premises on forms provided by the Village inspector. Any such registration statement shall be prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Village against the owner of any such residential premises.

2. *Owner occupancy.* The owner of any rental residential premises containing only a single dwelling unit shall be exempt from the annual registration requirements of this section if such owner has filed a sworn statement with the Village attesting to the fact that such single dwelling unit is owner-occupied. If any such residential premises containing only a single dwelling unit ceases to remain owner-occupied or vacant and not intended to be rented, such residential premises shall be registered and the registration fee paid at that time.
3. *Exceptions.* The provisions of this section shall not apply to any of the following:
 - i. Hotels and motels;
 - ii. Nursing homes, including any assisted living care facility licensed by the state;
 - iii. Rooming houses; or
 - iv. Bed and breakfast establishments.
 - v. Community Residence; as Defined in Article XII in Chapter 36
4. *Transfer of ownership.* The registration of any rental residential premises under this section is not transferable. Except as otherwise provided in this Section, any Residential Premises shall be registered and the registration fee paid by any new Owner within 30 days of any transfer of ownership.
5. *Information required.* The registration statement of any residential premises under this section shall include, but not be limited to, the following:
 - i. Address of the residential premises;
 - ii. Type of building or structure and number of rental residential units and the addresses for each dwelling unit, e.g. "1", "A", "upper";
 - iii. Name, address and telephone number of the owner;
 - iv. Name, address and telephone number of the manager or agent of the residential premises;
 - v. If the owner is a corporation or a limited liability company, the name and address of its registered agent;
 - vi. If there is a mortgage on the residential premises, the name and address of the mortgage holder; and
 - vii. If the residential premises is being sold or transferred under a contract for deed, the name, address and telephone number of both the seller or sellers and the buyer or buyers.
6. *Additional requirements.* The Village inspector may, at any time, require additional relevant information of the owner or any manager or agent on behalf of such owner to clarify any item on the registration statement.
7. *Updating information.* Any material changes in the information included within any registration statement which affects the ability of the Village to enforce the provisions of this article shall be reported to the Village inspector by the owner or any manager or agent on behalf of such owner within 30 days of any such change in writing.
8. *Registration fee.* Fees are set from time to time by the Building Commissioner, and approved by Ordinance by the Village Board.

Sec. 7-304. - Certificate of compliance required.

Except as otherwise provided in this article, it shall be unlawful and a violation of this section for the owner of any rental residential premises to permit any rental residential unit located therein to be occupied or to rent or lease any rental residential unit located therein without having a valid certificate of

compliance issued by the Village building department. After any certificate of compliance expires the owner of any rental residential unit shall be required to apply for a new inspection under section 7-305. Any owner who rents any rental residential unit without a valid certificate of compliance for that rental residential unit shall be guilty of an ordinance violation and subject to a fine of not less than \$100.00 per day and no more than \$750.00 per day for any said violation. Each day that any rental residential unit is occupied without a certificate of compliance is a new violation of this Code.

Sec. 7-305. - Inspection.

1. All rental residential premises required to be registered under section 7-303 shall be inspected every three (3) years by the Village inspector for the purpose of determining whether such rental residential premises complies with the applicable provisions of the property maintenance code and other applicable codes of the Village.
2. Application for an inspection shall be made to the building department as follows:
 - a. For any rental residential premises required to be registered under section 7-303 the owner(s) shall make an application to the Village building department for an inspection under this article no less than seven days prior to the need for such inspection. The application shall be accompanied by an inspection fee as set from time to time by the Building Commissioner, and approved by Ordinance by the Village Board
 - b. No application under this article shall be acted upon by the building department until the applicable inspection fee has been paid in full.
3. All utilities must be turned on in each rental residential unit being inspected prior to the inspection. Failure to have all said utilities turned on will result in cancellation of the inspection, the Village retaining the inspection fee and no certificate of compliance being issued.
4. If an inspection reveals any violation of any applicable codes, no certificate of compliance shall issue and a reinspection shall be required. Reinspection to ascertain abatement of any code violations shall be performed by the Village inspector. The first follow up or reinspection shall be conducted at no cost, thereafter each subsequent follow up or reinspection shall require the prepayment are set from time to time by the Building Commissioner, and approved by Ordinance by the Village Board for each rental residential unit being re-inspected.
5. Any certificate of compliance issued by the Village under this article shall not be deemed a release or waiver by the Village of any requirement for compliance with any and all applicable sections of the Village Code of Ordinances, nor shall it constitute a guarantee that no code violations exist. Issuance of any certificate under this article shall not restrain or prohibit the Village or its building commissioner from making further inspections of any dwelling unit and giving notice of any violation of this Code at any time, notwithstanding the validity of a certificate of compliance.
 - a. A certificate of compliance shall be valid for the following amounts of time:
 1. If at the initial inspection the village inspector finds that there are one to two code violations, the certificate of compliance that issues after all violations have been repaired shall be valid for three years; or
 2. If at the initial inspection the village inspector finds that there are three to four code violations, the certificate of compliance that issues after all violations have been repaired shall be valid for two years; or
 3. If at the initial inspection the village inspector finds that there are five or more code violations, the certificate of compliance that issues after all violations have been repaired shall be valid for one year.

- b. If the owner does not have the right to enter any rental residential unit for the purposes of inspection under the terms of any applicable lease or other agreement, it shall be the responsibility of the owner or the manager or agent on behalf of the owner to obtain the consent of the occupant of any such rental residential unit to enter such rental residential unit for the purposes of such inspection. The owner, or any manager or agent on behalf of the owner, shall be present at the time and date of any scheduled inspection to provide applicable access for such inspection. If any such owner, or any manager or agent on behalf of the owner, fails to be present at the time and date of any such scheduled inspection or fails to reschedule any such scheduled inspection at least five calendar days prior to the date of any such scheduled inspection, such rental residential premises shall be scheduled for another inspection and such owner shall be subject to forfeiting the previously paid fee and be required to pay a new fee in the same amount for any future inspection. If the owner, including any manager or agent on behalf of the owner, or any occupant objects to a scheduled inspection of any rental residential premises or of any rental residential unit within such rental residential premises, or if the owner does not have the right to enter the rental residential premises under the terms of any applicable lease or other agreement or with the consent of the occupant for the purposes of such inspection, the Village inspector may apply to the circuit court for an administrative search warrant to conduct any such inspection.

Sec. 7-306. - Issuance of certificate of compliance, corrective actions.

1. Upon the first and each subsequent inspection, if a rental residential premises has no violations of the property maintenance code the Village inspector shall issue a certificate of compliance.
2. If upon the first and each subsequent inspection, if a rental residential premises has violations of the property maintenance code the Village inspector shall not issue a certificate of compliance and the following shall apply:
 - a. The Village inspector shall cause written notice to be given to the owner, or to any manager or agent on behalf of such owner, and to the occupants of each applicable rental residential unit of the results of such inspection, including a list of deficiencies of all such applicable violations of the property maintenance code and other Village codes found to exist, if any, within five business days of the inspection. Such notice shall be personally delivered or mailed by first class mail, postage prepaid, to:
 - 1) The owner and the manager or agent, if any, at the address specified in the registration statement; and
 - 2) The occupants at the address of each applicable rental residential unit.
3. Any owner who fails to register a rental residential premise as provided in this article shall be deemed to consent to receiving such notice by means of having a copy of such notice posted at the rental residential premises. The notice to the owner shall additionally include a statement that the owner is subject to possible court and/or administrative penalties that may be imposed from and after the date of such notice in such amount per day as allowed for in the Village of Bourbonnais Code of Ordinances for each day that any and all such violations remain uncorrected.
4. If, upon completion of an inspection, a rental residential premises is found to have violations of the property maintenance code or any other applicable Village code, the owner, upon receipt of the notice specified in this section, shall correct all such deficiencies and provide the Village inspector with a written statement signed by both owner, or any manager or agent on behalf of the owner, and any applicable occupant that all such deficiencies will be completed within a timetable that is acceptable to the Village inspector but that does not exceed a period of 90 days (any such timetable may include multiple timelines such that those more serious deficiencies which require a shorter period of time shall be corrected first while the owner is allowed more time to correct less urgent deficiencies); upon notice to the building department that all remedial action addressing such deficiencies noted in the notice has been completed within such timetable,

accompanied by any applicable reinspection fee as provided herein of this article, the Village inspector shall cause the rental residential premises to be reinspected.

5. If, upon completion of an inspection, a rental residential premises is found to have critical violations of the property maintenance code or any other applicable Village code, and is either unsafe, contains unsafe equipment, is unfit for human occupancy or is unlawful under section 108.0 of the property maintenance code the Village inspector shall take such action as may be required under the applicable provisions of section 108 of the property maintenance code to cause such residential rental premises to be condemned, and shall not issue any certificate of occupancy until all deficiencies have been corrected.

Sec. 7-307. - Right to appeal.

Any person affected by any notice which has been issued in connection with the enforcement of the provisions of this article retains the right to appeal to the Board of Examiners and Appeals as respectively set forth in subsection 7-50 of this chapter of the Village of Bourbonnais Code of Ordinances.

Sec. 7-308. - Liability.

1. Any certificate of compliance issued by the inspector shall not be construed in any way to be a warranty, guarantee or insurance against any violation of the provisions of this Code.
2. Any Village inspector, code official, officer or employee who acts in good faith and without malice in the discharge of his or her duties of enforcement of this chapter is relieved of all personal liability pursuant to the application section of the ICC Property Maintenance Code.

Sec. 7-309. - Additional remedies; severability.

1. This chapter [article] shall not prevent the Village or any other person from exercising any right or seeking any remedy to which that person or entity might otherwise be entitled, or from filing any complaint, allegation or lawsuit with other any agency, court of law or court of equity.
2. If any court of competent jurisdiction shall adjudge any section, subsection or provision of this chapter [article] to be unconstitutional, void or ineffective, such judgment shall not affect any other section, subsection or provision of this chapter [article] not specifically included in said judgment. If any court of competent jurisdiction shall adjudge the application of any section, subsection or provisions of this chapter [article] to any person or circumstance to be unconstitutional, void or ineffective, such judgment shall not affect the application of said section, subsection or provision to any person or circumstance not specifically included in said judgment.

Sec. 7-310. - Penalty.

Whoever violates, fails to comply with or resists the enforcement of any of the provisions of this chapter [article] shall be subject to citations and a fine of no less than \$100.00 and no more than \$250.00. A separate offense shall be deemed committed each day a violation, failure to comply or resisting of enforcement exists.

Sec. 7-311. - Other remedies.

Nothing in this article shall prevent the Village from taking any action under any other applicable section of this Code or any other statute, ordinance or code for any violation thereof or limit the authority of the Village to seek injunctive relief or any other appropriate legal remedy for any violation of any such other section of this Code or any other statute, ordinance or code.