

ORDINANCE #2006-52

AMENDMENT TO THE KENDALL COUNTY BUILDING CODE
BUILDING CODE ADOPTION ORDINANCE

WHEREAS, in order 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, light and ventilation, and fire safety; and

WHEREAS, in order to secure safety to life and property from all hazards incidental to the design, erection, repair, removal, demolition or occupancy of buildings, structures or premises the County Board adopted an Update of its Building Codes pursuant to Ordinance #2005-24; and

WHEREAS, the 2003 International Code adopted per Ordinance # allows for the County to require the submission of plans stamped by a registered architect or engineer for all new Commercial building construction; and

WHEREAS, IBC Section 105.3 "**Form of application**" as amended per Ordinance #2005-24 does not mandate the submission of plans stamped by a registered architect or engineer for all new Commercial building construction; and

WHEREAS, the County is desirous of establishing this as a mandatory requirement for all new commercial buildings constructed within the unincorporated areas of the County; and

WHEREAS, in order to provide penalties for the violation of the Kendall County Building Code establishes certain penalties for such violations; and

WHEREAS, the County has established a Code Hearing Unit to administratively adjudicate violations of the County Codes including the Building Code pursuant to the adoption of Ordinance #2004-28 and Ordinance 2004-29; and

WHEREAS, the adoption of Ordinance #2005-24 failed to incorporate the amended provisions regarding "Violations and Penalties" and "Means of Appeal" as previously adopted per Ordinance #2004-29 as they pertain to violations of the Building Code; and

WHEREAS, the County desires to amend the relevant provisions under Section 1 – "In General" & Section 2 – "International Building Code 2003" of the Kendall County Building Code to correct these omissions:

NOW THEREFORE, BE IT ORDAINED, THAT THE COUNTY BOARD OF THE COUNTY OF KENDALL THAT: the following amendments are HEREBY ADOPTED as part of the Building Code of the County of Kendall, State of Illinois, for the control of buildings and structures and each and all of the regulations, provisions, penalties, conditions and terms of these documents hereby referred to are made a part of this ordinance as if fully set out in this ordinance with certain insertions, deletions and changes as listed in the Kendall County Code, attached hereto as Exhibit "A Building".

ADOPTED this 18th day of July 2006.

EFFECTIVE this 18th day of July, 2006.


Chairman, County Board of Kendall County


ATTEST

Kendall County Clerk

EXHIBIT "A"

KENDALL COUNTY BUILDING CODE

SECTION 1 - IN GENERAL

VIOLATION PENALTIES

Violations of this Code shall be processed in the manner prescribed for all other ordinance violations as established by the County Board. 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 ordinance violation ~~petty offense~~, punishable by a fine of not less than \$50 nor more than \$1,000. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

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 of not less than \$50.00 or more than \$1,000.

Nothing herein shall prevent the Kendall County State's Attorney from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

MEANS OF APPEAL shall be replaced in its entirety with the following:

Except for violations of this Code cited by a Code Enforcement Official, An appeal may be taken to the County Building & Zoning Committee by any person aggrieved, from any order, requirement, decision or determination made by the building Officer in his/her interpretation of this ordinance. Such appeal shall be taken within twenty (20) days of the date of the action from which it is taken by filing with the Code Official and with the County Building & Zoning Committee a notice of appeal, specifying the grounds thereof. The County Building & Zoning Committee shall thereupon set a reasonable date, time, and place for a hearing of said appeal, and shall cause written notice thereof to be mailed to the appealing party, or his attorney and to the Code Official.

The County Building & Zoning Committee may reverse or affirm, wholly or partially, or may modify the order, requirement, decision or determination as in its opinion ought to be done or made in the premises, and to that end shall have all the powers vested in the Code Official by this Ordinance.

The concurring vote of the majority of the Building & Zoning Committee members shall be necessary to reverse, in whole or part, or to modify, any orders, requirements, decisions or determinations of the Code Official. The County Bldg & Zoning Committee shall keep minutes of its proceedings hereunder, showing the vote of each member upon

every question, or, if absent or failing to vote, indication of such fact, and shall also keep records of its examinations and other official actions.

All decisions of the County Building & Zoning Committee hereunder shall be reduced to writing, filed with the clerk of the County Board, and a copy thereof mailed to the appealing party and too the building officer.

SECTION 2 – International Building Code 2003

IBC Section 105.3 "**Form of application**" shall be replaced in its entirety with the following:

The application for a permit shall be submitted in such written form and shall be accompanied by such information, as the Code Official prescribes and shall also be accompanied by the required fee as listed in Section 7 of this code.

The following information shall accompany and be a part of the application:

- (1) Legal Description of property
- (2) Descriptive material, in drawn and written form, as to location and design of building, structures, plumbing or electrical installation, etc. as required by the building officer to assure compliance with this code.
- (3) Two (2) original plats of survey or building plot showing existing and proposed buildings, structures and well & septic systems that will serve the proposed new structures along with locations of existing adjacent well and septic systems to show the 75 foot separation as required by the State of Illinois Private Sewage Disposal Licensing Act and Code.
- (4) For construction, alterations and other work two (2) copies of construction plans (more if required by code official) drawn at an appropriate scale, specifications and tests to show compliance with this code.
(4a.) Commercial construction shall require the plans to be stamped by an Illinois registered architect or engineer.
- (5) Where construction is to occur on a lot with a designated flood plain area, the code official may require the elevation of the first floor of proposed building be shown on the plat along with the Base Flood Elevation and its location on the site.
- (6) The Code Official shall have the authority to specify required foundation elevations on lots or parcels of land that have soils with seasonal high water tables, drainage problems, or that may be subject to localized flooding. In such a case, the Code Official shall also have the authority to require a site grading plan. The plan shall show existing topographic features, ground contours and drainage patterns as well as proposed building elevation(s), site improvements, ground contours and drainage design. Elevation information shall be on national geodetic vertical datum (NGVD). Verification of the finished improvements shall be drawn on a plat of survey showing the building location, finished foundation elevation(s), ground contours and drainage improvements.

IBC Section 113.4 "**Violation and Penalties**" shall be replaced in it's entirety by the following:

Violations of this Code shall be processed in the manner prescribed for all other ordinance violations as established by the County Board. 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 an ordinance violation petty offense, punishable by a fine of not less than \$50 nor more than \$1,000. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Nothing herein shall prevent the Kendall County State's Attorney from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

IBC Section 112 - "**Board of Appeals**" shall be replaced in its entirety with the following:

Except for violations of this Code as cited by a Code Enforcement Official, An appeal may be taken to the County Building & Zoning Committee by any person aggrieved, from any order, requirement, decision or determination made by the building Officer in his/her interpretation of this ordinance. Such appeal shall be taken within twenty (20) days of the date of the action from which it is taken by filing with the Code Official and with the County Building & Zoning Committee a notice of appeal, specifying the grounds thereof. The County Building & Zoning Committee shall thereupon set a reasonable date, time, and place for a hearing of said appeal, and shall cause written notice thereof to be mailed to the appealing party, or his attorney and to the Code Official.

The County Building & Zoning Committee may reverse or affirm, wholly or partially, or may modify the order, requirement, decision or determination as in its opinion ought to be done or made in the premises, and to that end shall have all the powers vested in the Code Official by this Ordinance.

The concurring vote of the majority of the Building & Zoning Committee members shall be necessary to reverse, in whole or part, or to modify, any orders, requirements, decisions or determinations of the Code Official. The County Bldg & Zoning Committee shall keep minutes of its proceedings hereunder, showing the vote of each member upon every question, or, if absent or failing to vote, indication of such fact, and shall also keep records of its examinations and other official actions.

All decisions of the County Building & Zoning Committee hereunder shall be reduced to writing, filed with the clerk of the County Board, and a copy thereof mailed to the appealing party and too the building officer.