

ORDINANCE NO. 2015-2115

**AN ORDINANCE ADOPTING THE 2012 INTERNATIONAL BUILDING CODE**

**WHEREAS**, the Village of Westchester (“Village”) has previously adopted the 2000 International Building Code, the BOCA Basic Mechanical Code, Fourth Edition 1981, the Life Safety Code, Second Edition 1981, the 2000 International Plumbing Code, the 2000 International Mechanical Code, and the 2000 International Fire Code; and

**WHEREAS**, it is advisable, necessary and in the best interest of the public for the corporate authorities of the Village of Westchester adopt the most recent versions of various building and construction codes to ensure the health and safety the residents and visitors of the Village of Westchester; and

**WHEREAS**, the corporate authorities of the Village desire to amend Title 14, entitled “Buildings and Construction,” of the Westchester Municipal Code, in order to adopt and incorporate the most recent versions of various building and construction codes.

**NOW, THEREFORE, BE IT ORDAINED**, by the Village President and the Board of Trustees of the Village of Westchester, Cook County, Illinois, as follows:

**Section 1.** Title 14, entitled “Buildings and Construction,” of the Westchester Municipal Code is hereby amended in its entirety as follows:

**Title 14 – BUILDINGS AND CONSTRUCTION**

**Chapter 14.01 - ADMINISTRATION**

**Sections:** Article I. - Scope and Purpose  
Article II. - Permits

Article III. - Definitions

**Article I. Scope and Purpose**

- 14.01.010 Building Code.
- 14.01.040 Building commissioner—Duties and powers.
- 14.01.050 Inspection—Compliance.
- 14.01.060 Appeals and arbitration.
- 14.01.070 Code – Purpose.
- 14.01.075 Code – Construction site requirements.

**14.01.010 Building code.**

Chapters 14.01 through 14.75 shall be known as the "Westchester Building Code." For protection from accident of fire and bodily safety of human beings, the health of occupants of buildings and the general welfare of the persons living within its corporate boundaries, there is established:

- (1) A building code for the regulation of the erection, construction, alteration, repair, moving or demolishing of buildings or any structure whatsoever erected or to be erected in the Village.; and
- (2) Any conflicts between this ordinance and any of the adopted codes or standard will require the application of the stricter requirement.

**14.01.040 Building commissioner—Duties and powers.**

The duties and powers of the building commissioner, as such, shall be as follows:

- (1) To conduct the official business and correspondence of the building board and to be the legal custodian of the official seal or stamp of the board;
- (2) To examine all building plans and specifications submitted to the board by applicants for building permits, with reference to this building code;
- (3) To place the official seal or stamp of the board upon not less than two sets of approved plans of any structure for which a building permit is granted and issued, retaining one set of the plans, and one set of the specifications in the files of the board;
- (4) To issue such other permits or certificates as are provided for by the building code. No building permit shall be issued for the erection of a building for habitation on any lot or parcel of land unless the street or streets on which the lot or parcel of land abuts is improved with a dustproof surfaced roadway in conformity with specifications laid down or approved from time to time by the president and board of trustees and unless water mains and sanitary sewers are provided to serve the lot or parcel of land;
- (5) To enforce compliance with the provisions and requirements of the building code, cause violations of the building code to be connected and in case a violation is uncorrected

and continuing, order work stopped, and call upon, if necessary, the police department of the village to enforce observance of his order.

#### **14.01.050 Inspection—Compliance**

The building commissioner or his authorized deputy shall inspect all buildings erected under this building code from time to time during the progress of the work to the end that the work and materials shall conform to the provisions of the building code. He shall have authority to order the stoppage of the work, if in his judgment such order is necessary, to secure compliance with the provisions and requirements of the building code. He may also call on the police authority of the Village to enforce his order.

#### **14.01.060 Appeals and arbitration**

Should any of the decisions of the building commissioner, excepting those relating to emergency matters which might endanger life or safety, be disagreed with, the applicant is required to notify the commissioner and the president of the Village of his intention to appeal from the decision of the commissioner. The decision of the building commissioner may be appealed to the president and board of trustees in the following manner:

- (1) The appellant shall serve a written notice upon the president of the board of trustees not less than five days, or more than ten days prior to the next regular meeting of the president and board of trustees, setting forth in detail his objections to the ruling of the building commissioner, and pointing out where the building commissioner ruling or rulings are in error, or wherein a variation is necessary;
- (2) The president and board of trustees shall place such appeal on their agenda under the heading of new business at such regular meeting, and shall consider appellant's objections and any evidence which he may wish to submit. The building commissioner may also submit any evidence which he may desire to support his decision. The hearing may be adjourned from time to time but shall not be unduly delayed. The decision of the majority of the president and board of trustees voting jointly shall be, within forty-eight hours from the time when the parties have completed their evidence, rendered in writing, a copy of which shall be furnished to the appellant and to the building commissioner. The original thereof shall be filed with the village clerk;
- (3) The costs, if any, including the cost of any special meeting of the president and board of trustees, shall be paid one-third by the successful party and two-thirds by the other party.

#### **14.01.070 Code—Purpose.**

This building code is intended and shall be construed to secure the beneficial interests and purposes thereof, which are public safety, health and welfare, through structural strength and stability, adequate light and ventilation, and safety to life and property from fire and hazards

incident to the erection, construction, maintenance, alteration, repair, moving or demolishing of any building or structure wheresoever erected or to be erected in the Village.

**14.01.075 Code—Construction site requirements.**

These requirements apply to any construction and/or the surrounding areas

**(1) Fencing:**

In order to ensure that construction activity is contained within a specified area on the construction site and to prevent damage to trees, slopes, and other sensitive areas, construction fencing shall be provided as follows:

1. Construction fencing shall be erected prior to the commencement of construction for all non-residential buildings and building additions, all new single-family residences and additions, detached garages and any other construction activity that involves substantial grading or foundation work as determined by the Building Official. The Building Official may waive the requirement for construction fencing if it is determined to be unnecessary by the scope of work involved.
2. Construction fencing shall be installed before commencement of any work on the subject property pursuant to any permit issued by the Village of Westchester.
3. Construction fencing shall be maintained for the duration of exterior construction activity on a property.
4. Construction fencing shall enclose the entire work area except for the designated construction access drive. The location of construction fencing shall be specified on a site plan submitted for the building permit and shall be subject to the approval of the Building Officer.
5. No construction work shall extend beyond the confines of the fenced area except as may be specifically authorized by the Building Officer.
6. Unless otherwise specified, Construction fencing shall be a four foot (4') high safety fence.
7. All fencing erected on the lot and parkway shall have a silt fence installed a minimum of two inches into the soil to prevent erosion runoff to neighboring properties. The silt fence shall be maintained until permission is granted for removal. The Building Official shall have the right to waive requirements for silt fencing if it is not necessary in certain areas or conditions
8. A stop work order may be issued by the Building Official for any failure to maintain construction fencing or violation of the work perimeter established by the construction fencing. Upon issuance of a stop work order, work shall not be allowed to commence until the construction fencing has been repaired to the satisfaction of the Building Official.

**(2) Street & Site Maintenance:**

The contractor shall be responsible for keeping the street clear of mud and for keeping all debris in the on-site dumpster. The contractor shall be responsible for removing any paper or debris which blows off the construction site.

**(3) Site Signage:**

The permit applicant shall post a sign in a visible location on the subject property before commencement of any work on the subject property pursuant to any permit issued for exterior construction work, such as new residential or non-residential buildings or building additions. Said sign shall comply with the following:

1. Visibility of the sign shall be maintained at all times. At no time shall materials, dumpsters, equipment, vehicles, or other appurtenances be placed so as to block the view of the sign from the public way.
2. If the sign becomes lost or damaged at any time, the permit applicant shall immediately replace the sign.
3. Be a minimum size of three (3) feet by four (4) feet.
4. Include a Title (i.e., "Construction Site Regulations"); address of the subject property, date of demolition, the applicable permit numbers; general construction site regulations, including construction hours, street and site maintenance standards, petitioner and City contact information.
5. Include lettering to a minimum of four (4) inches high in the title, and a minimum of two (2) inches high for all other lettering.

**Article II. Permits**

14.01.080 Permits—Variation—Special permit—Bond—Insurance.

14.01.090 Application for permits—Plans—Plats—Insurance—Bonds.

14.01.100 Location of plans and permits—Change in plans.

14.01.110 Fees

14.01.120 Permit waived for ordinary repairs.

14.01.125 Refunds

**14.01.080 Permits—Variation—Special permit—Bond—Insurance.**

- (a) Before proceeding with the construction, alteration, repair, raising, lowering, underpinning, moving or wrecking, a permit shall first be obtained by the owner or his agent from the building commissioner, and it is unlawful to proceed with the construction, alteration, repair, raising, lowering, underpinning, moving or wrecking of any building or any structural part thereof within the village unless such permit shall first have been obtained from the building

commissioner. To secure such a permit, an application therefor, as hereinafter provided for, shall be filed with the building commissioner.

- (b) The construction of all buildings or structures not provided for in detail under this chapter shall require a special permit from the president and board of trustees. The plans and specifications for any such buildings shall conform to good building practices so that the building will not be subject to accident or fire hazards, and will not be detrimental to the health, safety and general welfare of the occupants of the buildings, or persons living within the corporate boundaries.
- (c) There shall be submitted at the same time and as part of the application, an indemnity bond on liability insurance, restoration bond and compensation insurance as follows:
  - (1) (A) A cash deposit amounting to four dollars per front foot shall be paid to the village prior to the issuance of any permit, which sum shall be returned to the applicant when all the work has been completed and approved by the building commissioner and the public works superintendent, provided all sidewalks, curbs, streets, alleys, lighting systems and other public property, if any, which may have been broken, damaged or injured in any way or manner in connection with said work shall have been replaced or restored to their original condition, and such restoration has been approved by the building commissioner and public works superintendent, and provided further that all refuse in connection with the building permit work and any restoration of public property has been removed. Preliminary to starting the work provided for in the permit the building commissioner and the public works superintendent shall determine the existing condition of public sidewalks and shall determine whether an entirely new public sidewalk shall be installed. Builders shall cross only the public sidewalk fronting on or bounding the property for which the permit has been issued unless they own or have written permission from the owners of adjacent property.
  - (B) In the event that the applicant shall not replace or install the required public sidewalk or shall not properly replace or restore the sidewalks, curbs, streets, alleys, lighting systems or other public property which may have been broken, damaged or injured to their original condition prior to occupancy of building for which permit is issued except upon written permission of the building commissioner, and remove all refuse in connection with the building permit work and any restoration of public property, the village shall cause such property to be replaced or restored or new sidewalk constructed and such refuse to be removed and the applicant shall be charged with the cost thereof and the deposit made by the applicant shall be used for the payment thereof. In the event that the deposit shall be insufficient, the applicant shall be responsible for the deficiency and shall pay the amount on demand, and all permits shall so provide. In the event that the deposit shall be more than sufficient, the balance shall be returned to the applicant. Any other kind of security for the installation of sidewalks and restoration as set forth above, required by reason of the particular circumstances, shall be submitted to the president and board of trustees for approval.

- (C) The four dollars per front foot restoration bond shall be figured on the street frontage at the property line. The four dollars per front foot restoration bond for corner lots shall be figured on the longest dimension of the property on which there is a sidewalk.
  - (D) The restoration bond shall be required in new subdivisions while building is done by the subdivider and during the life of the performance bonds provided by the subdivider as required by Title 17 of this code. All permits issued to a builder other than the subdivider or after the improvements required by Title 17 of this code, are in, accepted by the village and the performance bonds released shall be subject to the restoration bond.
- (2) Each applicant shall furnish an owners public liability and property damage insurance policy in an approved company with limits in the amount of one hundred thousand dollars/three hundred thousand dollars for personal injury, and one hundred thousand dollars/two hundred thousand dollars for property damage protecting the village against any and all loss, damage, liability for injury to person or property in connection with the work to be done under the permit applied for, or by reason of any obstruction or operation on any streets or sidewalks in or about such building operations. If the building commissioner believes it desirable or requires any other type of insurance, bond or security, such insurance, bond or other security shall be submitted to the president and board of trustees for approval.
  - (3) There shall also be submitted at the same time, and as part of the application, certificates of insurance protecting the applicant from claims for injuries to persons and damage to property caused by anything happening within or upon the premises.

**14.01.090 Application for permits—Plans—Plats—Insurance—Bonds.**

- (a) Application for building permits shall be made by the owner or his agent to the building commissioner on forms prepared and kept on file in the office of the building commissioner, and shall describe the location of the proposed work by setting forth the connect legal description of the land upon which the building, structure, or part thereof is to be erected, constructed, altered, or repaired and the street name and number assigned to the site; the purpose for which the building or structure is designed to be used; the length, width and height thereof, the number of rooms; the total cost of the work proposed to be done under the permit sought; the name and address of the owner, or his agent, or architect; and, if contracts for the work have been let, the names of the general contractors and contractors such as mason, carpenter, sewer builder, plumber and electrician. The application for a building permit shall also be accompanied by a plat of survey, plans and specifications as hereinafter provided. The application shall also contain an agreement to be signed by the owner, his agent or architect, conditioned that he or his duly authorized agent or architect, if granted the permit sought, will construct the work in accordance with the description set forth in the application and accompanying plans and specifications.

- (b) Each application shall contain an agreement on the part of the applicant to promptly restore to their original or improved condition, at the expense of the applicant, any and all sidewalks, curbs, streets, alleys, lighting systems and other public property which may have been damaged, broken, or injured in any manner whatsoever in connection with the work being done under the permit applied for. Failure to complete the restoration as herein provided shall constitute a violation of this chapter.
- (c) There shall be submitted at the same time and as a part of said application two sets of plans for the proposed work, which plans shall have been approved by an architect licensed by the State of Illinois then in force regarding plans. Separate plans for plumbing, electrical and heating shall also be submitted. There shall be deposited at the same time and place aforesaid, one complete set of specifications for the proposed structure and a plat of survey of the building lot with the outline of the proposed building or buildings shown thereon at the same scale as the plat. The plans and specifications shall apply specifically to the building for which the building permit is requested. No drawings or details, other than those pertaining directly to such building, shall be shown on the plans submitted, and the specifications shall contain no provisions not pertaining directly to the drawings and details and intended to control the complete building operation. No plans shall be drawn to a scale of less than one-quarter inch to the foot, and all lettering and figures thereon shall be clear and distinct. Specifications shall be printed or typewritten. Surveys or plats of lots showing locations of buildings may be drawn to a different scale.
- (d) Both sets of plans and the set of specifications and survey plat shall be identified by signature of the applicant for the permit, which signature shall be made in the presence of a witness who shall also place his signature on the plans, specifications and survey plat. The building commissioner shall promptly examine the plans and specifications and survey plat, and if they comply with this building code, and the applicant pays the fees herein required and has deposited the necessary bonds and insurance policies, issue to the applicant a building permit signed by him as commissioner and bearing the seal of the board, together with one sealed or stamped set of plans, retaining one set of plans and specifications and survey plat for the building board. The survey plat shall show the exact location of proposed structure or structures to be erected on the lot referred to. The applicant may have additional sets of plans stamped by the board, provided they contain no changes from the original sets submitted with the application for permit and by paying the fee therefor as elsewhere provided in this building code.
- (e) The application for a permit for any work considered new construction shall have a video of the sewer lateral from the building line to the connection to the municipal sewer system. This will be used to determine the condition of the lateral and the possibility of requiring it to be replaced or relined.
- (f) When construction documents are produced in a digital format, as-built construction documents shall be submitted on a compact disc or a flash drive in Tagged Image Format (TIF) or in another format approved by the Department of Community Development.

**14.01.100 Location of plans and permits—Change in plans.**

At all times during the progress of the work for which a permit has been issued, a stamped set of plans for said work shall be kept at the place of construction for the information and benefit of the building commissioner or his deputy. The building permit shall be posted in a conspicuous position on the premises, any alteration in the plans or specifications affecting the structural strength, outside dimensions, or location of building, or the kind of structural materials employed in the work, shall not be made until the approval of the building commissioner is delivered in writing to the applicant after the applicant has paid to the board the fee therefor as elsewhere provided in this building code. The building commissioner shall enumerate such alteration in writing.

**14.01.110 Fees**

Permit fees shall be charged in accordance with the following schedule:

Residential and Commercial:

- (1) New Construction, Remodeling, Additions, and Alteration Fees (Residential) for one-story, two-story, bi-level, two-story apartment buildings, multifamily buildings (three or more living units) and split level single-family residences, the rate shall be one percent of the cost, plus all other applicable fees.
- (2) New Construction, Office and Industrial Buildings or Structures, Remodeling, Additions, Alterations, and Repair Fees (Commercial) on all construction, a guarantee deposit is required as follows:
  - (A) One and one-half percent of the total cost plus all other applicable fees;
  - (B) Guaranteed deposit: one percent of the total cost of the job, minimum: three hundred dollars.
- (3) Specific Item Permit Fees (Residential and Commercial)

(A) Window replacement	Permit required, no fee
(B) Glass block	\$5.00 each, \$25.00 maximum
(C) Door	Permit required, no fee
(D) Aluminum siding	\$80.00
(E) Roofing (second layer)	\$50.00
(F) Roofing (complete strip)	\$65.00

(G) Roofing (commercial)	1.5% of cost, minimum \$100.00
(H) Concrete drive (not including approach)	\$75.00 plus \$250.00 street deposit
(I) Approach only	\$25.00 plus \$250.00 street deposit
(J) Curb cut	\$15.00
(K) Asphalt (residential)	\$75.00 plus \$250.00 street deposit
(L) Asphalt Drive/parking new	\$0.06 per foot
Residential	Street deposit of \$250.00
Commercial	Guaranteed deposit 1% of cost, minimum \$300.00
Asphalt resealing/maintenance	1.5% cost of job, minimum \$100.00
(M) Mud jacking	\$25.00
(N) Fence	\$40.00
(O) Garage	
(i) 1 car garage	\$270.00 (includes electric, concrete floor and apron)
(ii) 2 car garage	\$335.00 (includes electric, concrete floor and apron)
(iii) 3 car garage	\$400.00 (includes electric, concrete floor and apron)
(P) Electric revision up to 100 AMPS	\$50.00
(Q) Reserved	

522875.1

(R) Demolition	1.5% cost of job, minimum \$100.00
(S) Tuckpointing over \$100.00	\$25.00
(T) Kitchen & bath remodeling	
(i) Kitchen remodel	\$325.00 (all inclusive)
(ii) Bathroom remodel	\$275.00 (all inclusive)
(U) Decks	\$100.00
(V) Sandblasting	\$50.00
(W) Fireplace	1% of cost, minimum \$50.00
(X) Concrete	
Residential	1% cost of job, minimum \$50.00
Commercial	1.5% cost of job, minimum \$100.00
(Y) Patio	\$50.00
(Z) Satellite	
Commercial	1.5% cost of job, minimum \$100.00
(AA) Telephone installation	
Commercial	1.5% cost of job
(BB) Burglar/fire alarm	
Commercial	1.5% cost of job
(CC) Minimum concrete permit	\$50.00

522875.1

(DD) Underground tank removal	1.5% cost of job, minimum \$300.00
(EE) General contractor license	\$200.00
(FF) Subcontractor license	\$100.00
(GG) Penalty for work with no permit (residential)	Double permit fee, maximum \$500.00
(HH) Penalty for work with no permit (commercial)	Double permit fee, maximum \$1,000.00
(II) Basement Build out	
(i) without bathroom	\$350.00 (all inclusive)
(ii) with bathroom	\$650.00 (all inclusive)
Guaranteed deposit	
Commercial	1% cost of job, minimum \$300.00
(JJ) Off-Site Advertising (Billboard)	Permit Free of \$2.50 per square foot
	Annual Renewal Fee of \$2.50 per square foot

- (i) Square footage shall be computed from the outside dimensions, including all projections, such as bay windows, dormers, roofed porch and breezeway, but not including projecting eaves.
- (ii) A minimum deposit of not less than three hundred dollars is required on any construction over thirty thousand dollars.
- (iii) All construction projects in excess of two thousand dollars must include a fifty dollar fee with the application.
- (iv) The building commissioner may accept the contractor's or owner's estimate of costs, or he may use a figure from a sworn statement from a licensed architect, or he may use a per square foot figure of ninety-five dollars for residential. For

commercial, the building commissioner will use a per square foot figure, as published by:

R. S. Means Company, LLC  
 63 Smiths Lane  
 Kingston, MA 02364-0800

(4) Electrical Permit Fees.

(A) Service Fees (Residential).

(i) 100 AMP	\$50.00
(minimum requirement for residential)	
(ii) 200 AMP	\$80.00
(iii) 400 AMP	\$120.00
<b>(B) Service Fees (Commercial)</b>	
(i) 100 AMP	\$80.00
(minimum requirement for commercial)	
(ii) 200 AMP	\$100.00
(iii) 400 AMP	\$200.00
(iv) 600 AMP	\$300.00
(v) 800 AMP	\$400.00
(vi) 1,000 AMP	\$500.00
<b>(C) Circuit Fees (Residential and Commercial).</b>	
(i) 1 to 50—20 AMP single pole circuits	\$20.00 ea.

(ii) 51 to 100—20 AMP single pole circuits	\$15.00 ea.
(iii) Over 100—20 AMP single pole circuits	\$10.00 ea.
(iv) Motors/appliances (single and multi-pole)	\$25.00 for first and \$15.00 each thereafter
(v) Temporary service (any size)	\$150.00

(D) Inspection Fees (Residential and Commercial) When Done by Village.

- (i) Inspections included in permit fee for new construction, remodeling, additions, and alterations (two inspections: rough and final).

(ii) Plan examination fee:	\$50.00 minimum plus \$50.00 per hour
(iii) Re-inspection	\$50.00
(iv) Inspections outside of normal hours	\$150.00 per hour
(v) Inspections for which no fee is indicated:	\$50.00
(5) Plumbing Fees (Residential and Commercial).	
(A) Permits:	
(i) Basic plumbing permit	\$75.00
(ii) Each fixture	\$15.00
(iii) Each sanitary or storm tap or water tap	\$500.00
(iv) Each water heater and/or vent	\$10.00
(v) Each waste pre-treatment interceptor	\$25.00
(vi) Repairs or alterations	\$25.00

522875.1

(vii) Lawn sprinkler system per meter	\$175.00
(viii) Vacuum breakers not included in above	\$25.00
(ix) Backflow prevention other than vacuum-type breakers:	
a. 2" or smaller	\$25.00
b. 2" or longer	\$50.00
(6) Heating and Air Conditioning.	
(A) Residential Fees.	
(i) Furnace installation per unit (not in conjunction with a building permit)	\$75.00
(ii) Furnace installation per unit (when in conjunction with a building permit)	\$60.00
(iii) Air conditioning per unit under 3 tons (not in conjunction with a building permit)	\$75.00
(iv) Air conditioning per unit under 3 tons (when in conjunction with a building permit)	\$60.00
(v) Air conditioning over 3 tons	\$100.00
(B) Commercial Fees	
(i) Furnace installations per unit up to 250M BTU	\$75.00
(ii) Furnace installation per unit over 250M BTU	\$125.00
(iii) Furnace installation per unit over 400M BTU	\$175.00
(iv) Air conditioning unit per unit up to 3 tons	\$100.00

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(7) Plan Review Fee Schedule (Commercial).

(A) Building Construction.

Up to 80,000 cu. ft.	\$345.00
80,001 to 100,000 cu. ft.	\$420.00
100,001 to 150,000 cu. ft.	\$510.00
150,001 to 200,000 cu. ft.	\$560.00
over 200,000 cu. ft.	\$625.00
+\$6.25 for each 10,000 cu. ft. over 200,000 cu. ft.	

(B) Fee multiplier: cu. ft.  $\times$  1.5 for mechanical.

(8) Fire Protection System Fees.

(A) Flow test	\$100.00		
(B) Plan review	Number of Heads	Pipe Schedule	Hydraulic
	Up to 300	\$225.00	\$450.00
	301 to 500	\$310.00	\$610.00
	Over 500	\$400.00	\$800.00
	+ Each head over 500	\$0.70	\$1.35
(C) Acceptance test/final inspection	\$100.00		

(9) Fire Detection/Alarm System.

(A) Plan review	\$170.00 per 10,000 sq. ft. of floor area
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(B) Final inspection	\$100.00
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(10) Cooking Hood/Duct Extinguishing Agent.

(A) Plan review	\$175.00 per system
(B) Final inspection	\$100.00

11) Fees for Work Started Without Permits (Residential and Commercial). All work started without a permit shall cease immediately, with or without a stop work order from the building department, until a permit is applied for and issued and all permit fees are paid, plus:

- (A) On all residential work started without first obtaining a permit, a fee must be paid up to an amount equal to twice the customary permit fee, but not to exceed five hundred dollars.
- (B) On all commercial work started without first obtaining a permit, a fee must be paid in an amount equal to two times the customary permit fee, but not to exceed one thousand dollars.

(12) Third Party Plan review service fees. All fees charge by a contracted third party plan review agency shall be passed through to the permit applicant. A service fee of 10% may be added to the third party plan review fee.

**14.01.120 Permit waived for ordinary repairs.**

- (a) A permit will not be demanded for ordinary repair work incidental to the upkeep of a building or structure; provided there is not contemplated, nor involved, any change in the classification or use of or any increase in the fire hazard thereof. However, if such work involves any of the following, a permit is required:
  - (1) Removal or installing of any external wall or the removal of any supporting wall, column, post, truss, girder or beam;
  - (2) The installing or changing of any stair, stair-hall, fire escape, scuttle, skylight, window or other means of communication, ingress, egress, ventilation or the admission of natural light;
  - (3) The changing of the location or number of connections of the fixtures, traps, vents, waste, soil or drain pipes of the plumbing system;
  - (4) The changing of the number, location or connections of the fixtures of the lighting system or the number or location of the wall outlet receptacles;

- (5) The changing to a different system of lighting or ventilation;
  - (6) The reshingling or recovering of roofs;
  - (7) The renewing of exterior wood or siding of the frame portion of any building or structure;
  - (8) The installation of partition walls, or the covering of walls and ceiling in basements or areas partially below grade, such as the conversion of an open basement or cellar into a finished recreation room;
  - (9) The installation or change of location of central air conditioning units, and the installation or change of heating units;
  - (10)Erection, replacement or relocation of fences.
- (b) Nothing contained in this section shall be interpreted or construed to allow any work included in the permit exemption thereof, to be done in any manner contrary to the requirements of the building code or other laws of the village. Violations of the building code in any work not required to be done under a permit shall be subject to the general penalty of the building code, the same as if a permit had been required.
- (c) Before any permit exempt repairs shall be made where the cost exceeds two hundred dollars, the contractor shall file notification with the building commissioner.

**14.01.125 Refunds.**

There shall be no refund of the basic permit fees upon cancellation or voiding of a permit pursuant to the terms thereof. Upon written request the water meter, if not used, may be returned for credit and the other inspections fees may be prorated.

**Article III. Definitions**

**14.01.130 Definitions**

**14.01.130 Definitions.**

Unless otherwise expressly stated, the following terms shall, for the purpose of this code, have the meanings indicated in this section. Where terms are not defined in this section, they shall have their ordinarily accepted meanings on such as the context may imply.

- (1) "Accessory building" means a secondary building, the use of which is incidental to that of the main building and which is located on the same plot.
- (2) "Addition" means an extension or increase in floor area or height of a building or structure.
- (3) "Air conditioning" means the process of treating air so as to control simultaneously its temperature, humidity, cleanliness and distribution to meet the comfort requirements of

the occupants of the conditioned space. The system may be designed for summer cooling and conditioning or winter warming and conditioning, or both.

- (4) "Alteration," as applied to a building or structure, means any change or modification in construction, exit facilities, permanent fixtures or equipment which does not constitute an addition to the building or structure.
- (5) Apartment. See dwelling unit.
- (6) "Approved" means and refers to material, methods, devices or types of construction approved by the building official as a result of investigation or tests, or by reason of accepted principles or tests conducted by national authorities, scientific or technical organizations.
- (7) Area.
  - (A) "Building area" means the maximum horizontal projected area of a building at its foundation, excluding open, uncovered entrance platforms, steps and terraces.
  - (B) "Gross floor area" means the area within the inside perimeter of the outside walls of the building under consideration with no deductions for hallways, stairs, closets, thickness of the interior walls, columns or other structural features.
  - (C) "Net floor area" means the actual occupied area arrived at after deduction of hallways, stairs, interior walls, equipment space and structural features from the gross floor area.
- (8) "Areaway" means an open subsurface space adjacent to a building, used to admit light and air, or as a means of access to a basement or crawl space.
- (9) "Attic" means accessible space between the uppermost ceiling and the underside of roof. Inaccessible spaces are considered structural cavities.
- (10) "Basement" means a portion of a residential building below the first floor, which has more than one-half its height (measured from finished floor to finished ceiling) above the average grade of the adjoining ground; and not deemed a story unless the ceiling is five (5) feet or more above grade. (See cellar.)
- (11) Bearing Wall. See walls.
- (12) Building Area. See area.
- (13) "Building line" means a line established by law or by agreement usually parallel to the property line, beyond which a building or structure may not extend. This generally does not apply to uncovered entrance platforms, steps, terraces, chimney or eaves, when constructed within the size limits of the code.
- (14) "Building official" means the official or designated authority charged with the administration and enforcement of this code, or his duly authorized representative.
- (15) "Building service equipment" means the mechanical or electrical equipment, including piping, wiring, fixtures and other accessories which provide sanitation, lighting,

heating, ventilation, fire prevention and transport, essential for the designated use and occupancy of the building or structure.

- (16) "Carport" means a roofed space with at least two sides open to weather, primarily designed and used for motor vehicles.
- (17) "Cellar" means a portion of a residential building partly underground having more than one-half its height (measured from finished floor to ceiling) below the average grade of the adjoining ground. (See basement.)
- (18) "Change of use" means the alteration of a building or structure to change the use heretofore existing, to a new use group classification which imposes other special provisions of the law governing the type of building construction, exits, equipment, etc.
- (19) Corridor. See hallway, public.
- (20) Dead Load. See loads.
- (21) "Dwelling" means a building designed for or occupied exclusively by one family.
- (22) "Dwelling unit" means a building or a portion of a building arranged for the use of one or more individuals living alone or together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities. (See minimum dwelling unit and multi family dwelling.)
- (23) "Exitway" means the exit doorway or doorways, or such doorways with connecting hallways and stairways, by means of which the occupants may proceed safely from a room or space to a street or open public space.
- (25) "Fire resistance rating" means the time in minutes or hours that materials or assemblies have withstood a fire exposure as established in accordance with the test procedures of "Standard Methods of Fire Tests of Building Construction and Materials (NFPA-215)."
- (26) "Fire separation" means exterior fire exposure; the distance in feet measured from any other building on the site, or from an interior lot line, or from the opposite side of street or other public space, to the building being considered.
- (27) Floor Area. See area.
- (28) "Garage (private)" means a building for the parking of four or less passenger motor vehicles with no provisions for repairing or servicing such vehicles for profit.
- (29) "Grade," as it applies to a building or structure, means the average elevation of the ground adjoining the building or structure on all sides.
- (30) "Habitable room or space" means a room or enclosed floor space on first or upper story, or in an area partially below grade, which meets all the requirements for light, ventilation, floor area and ceiling height, and is arranged for living, cooking, dining or sleeping purposes, but not including toilet rooms, baths, laundries, pantries, utility rooms, foyers or communicating corridors.

- (31) "Hallway, public" means a public corridor or space separately enclosed or providing common access to all the exitways of a building in any story.
- (32) "Height of building" means the vertical distance measured from the sidewalk opposite the midpoint of the front of building to the highest point of roof for flat roofs; to the deck line for mansard roofs; and to the highest point for gable, hip and gambrel roofs. Where a building is located upon a terrace, the height may be measured from the average ground level of the terrace at building walls.
- (33) Loads.
- (A) "Dead load" means the weight of all permanent structural and nonstructural components of a building such as walls, floors, roofs, partitions, stairways and of fixed service equipment.
- (B) "Live load" means the weight or force of all moving and variable loads that may be placed in or on a building or structure by the use, occupancy, wind and snow, but not including dead load.
- (34) "Lot line" means a line dividing one lot from another, or from a street, alley or other public space.
- (35) "Minimum dwelling unit" means the minimum number of rooms, space and floor area, etc., required for a dwelling unit in a multifamily dwelling.
- (36) "Multifamily dwelling" means a building designed and arranged for three or more independent dwelling units or apartments.
- (37) "Prefabricated" means fabricated and/or partially assembled prior to erection on a building or structure foundation.
- (38) "Repair" means the normal upkeep renewal of that which exists, for the purpose of maintenance, but not including changes that would affect fire safety, exit facilities, light and ventilation, plumbing, piping, electrical wiring, heating installation, area of rooms or any work that would be in violation of this code or any other laws governing building construction.
- (41) "Safety glazing material" means a glazing material constructed, treated or combined with other materials to minimize the likelihood of cutting and piercing injuries resulting from human contact. Laminated glass, safety glass, safety plastic, tempered glass and wired glass are examples of safety glazing material.
- (42) "Story" means that part of a residential building between a floor or roof next above, including basements, that have a ceiling height five feet or more above the average grade of the adjoining ground.
- (43) Wall:
- (A) "Bearing wall" means a wall which supports any vertical load in addition to its own weight.

(B) "Nonbearing wall" means a wall which supports no vertical load other than its own weight.

## **Chapter 14.02 PLANNING REQUIREMENTS— ONE-FAMILY AND TWO-FAMILY RESIDENCES**

### **Sections:**

Article I. - Grades and Elevations

Article II. - Building Lines

Article III. - Space Requirements

Article IV. - Natural Light, Ventilation and Safety

Article V. - Ceiling Height

Article VI. - Ingress, Egress and Privacy

Article VII. - Doors

Article VIII. - Stairways

Article IX. - Porches and Terrace

### **Article I. Grades and Elevations**

14.02.010 Grades and elevations.

#### **14.02.010 Grades and elevations**

The grade and foundation elevation of a residential building shall be governed by:

- (1) Foundation elevation and grade of building at each side and to the rear;
- (2) The distance between the proposed building and buildings at each side and to the rear;
- (3) The minimum elevation of foundations shall be not less than six inches above adjacent ground level and not less than twelve inches above the elevation of the public sidewalk measured at the centerpoint between the two side lot lines;
- (4) The grade slope shall be away from foundation with appropriate swales designed to channel and control ground water runoff, so as not to create water problems for adjacent buildings or property; and to prevent ponding of water;
- (5) In flood hazard areas the elevation of the first floor or lowest floor, including basement, shall comply with the requirements set forth elsewhere in this code for designated flood hazard areas.

### **Article II. Building Lines**

14.02.020 Front building line

14.02.030 Side building lines and setback

#### **14.02.020 Front building line**

No residence or apartment nor any part thereof shall be erected at a distance from the front lot line less than the distance specified in the dedicated plat filed with the Cook County map department, or in a properly recorded building line agreement. An unenclosed platform not to exceed thirty-two square feet with entrance steps shall be permitted in one and two-family residential construction.

#### **14.02.030 Side building lines and setback**

- (a) Where side yard is to accommodate a driveway the building line shall be a minimum of nine feet from property line, free of obstructions.
- (b) Detached garages shall be set back from an alley three feet, and where an easement exists, five feet from center of easement or clear of easement line. Setback from side lot line shall be three feet. Distance from residence shall be ten feet for detached brick garages and fifteen feet for all frame detached garages. Measurements shall be from outside wall of garage to outside wall of residence. On corner lots the setback from the street side lot line shall be five feet for all detached brick or frame garages.

### **Article III. Space Requirements**

14.02.040 Floor area

14.02.050 Closets and storage space.

#### **14.02.040 Floor area**

- (a) In a residence or dwelling unit, floor areas shall have as their minimum the following areas based on the type of residence:
  - (1) One-story residence or single-story living unit:
    - (A) Four room (one bedroom unit), nine hundred square feet,
    - (B) Four room (two bedroom unit), nine hundred square feet,
    - (C) Five room, one thousand fifty square feet,
    - (D) Six room, one thousand one hundred fifty square feet;
  - (2) One-and-one-half story residence, eight hundred forty square feet, first floor area.
  - (3) Two-story residence, six hundred forty square feet, first floor area.
- (b) Floor area shall be measured at each principal floor level to the outside face of exterior walls. Required areas indicated are exclusive of verandas, porches, terraces, balconies, basements and garages.

#### **14.02.050 Closets and storage space.**

- (a) **Bedroom Closets.** Each bedroom shall have at least one closet having a minimum depth of two feet clear; width three feet, and height of six feet.
- (b) **Coat Closet.** A coat closet shall be provided that is reasonably accessible to living areas having minimum size as that of bedroom closets.
- (c) **Kitchen Storage.** Each kitchen shall have accessible storage space for food and utensils and space for such activities and equipment needed to perform intended functions.
- (d) In addition to required closet and kitchen storage, usable general storage space shall be provided for storage of items and equipment essential to the use of the occupants.

#### **Article IV. Natural Light, Ventilation and Safety**

##### **14.02.060 Habitable rooms**

##### **14.02.070 Attics and spaces between roofs and top floor ceilings**

#### **14.02.060 Habitable rooms**

See Section 14.01.130 of this title for definitions.

- (a) The required light and ventilation source in each habitable room shall be windows, glass sliding doors and other exterior doors which have glass area for light and a minimum of twenty percent for ventilation.
- (b) Habitable rooms shall have a required glass area of not less than ten percent of the floor area, and ventilation area not less than five percent of floor area. In no case shall the required light area be less than ten square feet.
- (c) Borrowed light and ventilation between rooms:

When required light and ventilation area in two adjacent rooms cannot be provided by separate windows, the floor area of the two habitable rooms may be combined in computing required light and ventilation area. In which case the common wall between such rooms shall contain an opening, the area of which shall be not less than sixty percent of the area of the wall separating these rooms.

#### **14.02.070 Attics and spaces between roofs and top floor ceilings.**

- (a) To eliminate the problem of moisture condensation on roof framing in cold weather and to permit the escape of heat in hot weather, ventilation of all enclosed spaces is required.
- (b) Gable roofs, where screened louvers generally are provided, the net opening shall be one three-hundredth of the area of the ceiling below. If three-quarters-inch vent slot is provided beneath the eaves, the ventilating area may be reduced to one nine-hundredth.

- (c) Hip roofs shall be provided with three-quarters-inch slot beneath the eave with net area one nine-hundredth ceiling area and metal ventilators near peak with net outlet area of one sixteen-hundredth of ceiling area below.
- (d) Flat roofs shall have the blocking and bridging arranged to prevent interference with the movement of air. Such roofs may be ventilated along overhanging eaves on the basis of net area of opening equal to one two-hundred-fiftieth of the area of the ceiling below.

#### **Article V. Ingress, Egress and Privacy**

##### **14.02.080 Required access.**

##### **14.02.080 Required access**

- (a) Living unit: each living unit shall be provided with two means of access to outside as remote as possible from each other without passing through any other living unit. Sliding doors on first floor may be accepted as a required access.
- (b) Attics: provide access to attics by means of scuttle, minimum twenty-four inches by twenty-four inches, a disappearing or a built-in stairway. Scuttle is not permitted in closet ceiling.
- (c) Crawl space: provide access panel not less than twenty-four inches wide by thirty inches high, clear of all obstructions. If mechanical equipment is installed in crawl space, access opening shall be of sufficient size to permit removal and replacement of equipment.
- (d) Basements: provide direct access to outside from basement. An entrance door that is not above the first floor level and communication directly with basement and first floor, and has the basement stair landing within five feet of exterior entrance door, shall be considered as an acceptable basement exit. A window with an openable escape sash two feet six inches wide and three feet high with stool not more than three feet above floor is an acceptable exit, except in basements where the basement floor is more than five feet below grade, in which case a separate basement entrance opening directly from its own areaway shall be required.

#### **Article VI. Doors**

##### **14.02.090 Interior doors.**

##### **14.02.090 Interior doors.**

- (a) Provide a door for each opening to a bedroom, bathroom, powder room or toilet compartment.
- (b) Minimum interior door size;
  - (1) All habitable rooms: two feet six inches wide by six feet six inches high.
  - (2) Bathroom: two feet four inches wide by six feet six inches high.
  - (3) Powder rooms: two feet zero inches wide by six feet six inches high.
  - (4) Basement and service stair doors: two feet six inches wide by six feet eight inches high.

- (c) In two story, two family buildings, all doors, at all levels, leading to or from the common enclosed stairways shall be one hour rated on approved solid cone doors.
- (d) Doors to walk-in closets shall be equipped with vent grill or louvers. All closet doors shall have nonlocking type latches.
- (e) Doors leading to attached or built in garage from interior of residence shall be one hour rated on approved solid cone doors with hydraulic type self-closer.

**Article VII. Stairways**

14.02.100 Interior stairway design and location.

14.02.110 Exterior stair design and location

**14.02.100 Interior stairway design and location.**

- (a) Headroom: continuous clear headroom measured vertically from front edge of tread to a line parallel with stair run. Minimum main stairs six feet eight inches, basement and service stairs six feet six inches.
- (b) All stairs and landings on new and remodeled buildings shall be either enclosed within the structure or, if exposed to the exterior, shall be of concrete construction or approved metal construction with masonry or iron railings above the first riser.

**14.02.110 Exterior stair design and location.**

- (a) All exterior stairs, platforms, porches or patios leading to doors that are required means of access shall be concrete or approved metal. No wooden stairs, porch, platform or deck on the exterior side of a door that is a required means of access shall be permitted.

Exception: If a third stair is provided on the rear of the structure it is allowed to be constructed using wood.

- (b) Meet requirements of Section 14.02.100.
- (c) A wooden rear or side open porch which was constructed as a part of the original design of an existing single-family residence may be replaced with the same wooden construction, provided it is not enclosed and size does not exceed forty-eight square feet in area, or is not more than twenty percent larger than the original porch, which-even is greater.

**Article IX. Porches and Terraces**

14.02.120 Porches and terraces.

**14.02.120 Porches and terraces.**

- (a) Minimum dimension projectory from face of building shall be four feet.
- (b) Porch platform shall be a minimum of four inches below floor of dwelling.

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## **Chapter 14.03 INTERNATIONAL RESIDENTIAL CODE 2012**

### **Sections:**

14.03.010 Adoption.

14.03.020 Modifications - Insertions, additions, deletions and modifications.

### **14.03.010 Adoption.**

A certain document, three copies of which are on file in the office of the village clerk of the Village of Westchester, being marked and designated as the International Residential Building Code 2012 edition, as published by the International Code Council, Inc., be and is adopted as the residential code of the Village of Westchester, in the State of Illinois; for the control of building and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said building code are referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in Section 14.03.020 of this chapter.

### **14.03.020 Modifications - Insertions, additions, deletions and modifications.**

The following sections are revised (Insertions, additions, deletions and modifications):

Section R101.1. Insert: Village of Westchester

Section R105.2 Permits – delete the following:

Building Items 1 – 5, 6 cabinets and counter tops, 7, 9 and 10

Electric item 3

Gas item 3

Mechanical item 4.

Section 105.1.1 Add the new section and the following:

Section 105.1.1. Combining storm with sanitary drainage: The sanitary and storm drainage systems of the structure shall be entirely separate.

Any contractor who installs storm or sanitary piping shall be an Illinois licensed plumber or have a valid and current drain layers license.

Section 105.10 Special conditions when special conditions exist or arise during construction, which necessitate additional precautions, the building official may require work in excess of requirements specified herein.

Section R 106.1 Submittal documents – three sets of plans are required.

Section R106.3. Examination of documents: Delete this section only (No subsections) in its entirety and amend to read:

Section R106.3.1 Examination of documents: It shall be required that all plans for new construction, alteration, or other building operation within the Village of Westchester be reviewed by the Community Development Department or an approved plan review engineering agency, with incurred cost to be absorbed by the applicant.

Section R108.1. Payment of fees: Delete this section in its entirety and amend to read:

Section R108.1. Payment of fees: A permit to begin work shall not be issued until the required fees have been paid and the required bond and certificate of insurance have been submitted.

Section R108.2 See Section 14.01.110 Article 2 for fee schedule

Section R108.5. Refunds: Delete this section in its entirety and amend to read:

Section R108.5. Refunds: There shall be no refund of the basic permit fees upon cancellation or voiding of a permit pursuant to the terms thereof. Upon written request the water meter, if not used, may be returned for credit and the other inspection fees may be prorated.

Section R 112 Delete the section in its entirety and insert See section 14.01.060 of Title 14 for the Board of Appeal

Table R301.2(1) Complete the Table as follows:

Ground Snow Load	WIND DESIGN		Seismic Design Category	SUBJECT TO DAMAGE FROM			Winter Design Temp	Ice Barrier Underlay ment Required	Flood Hazards	Air Freezing Index	Mean Annual Temp
	Speed	Topographic Effects		Weathering	Frost Line Depth	Termite					
25	90	No	B	Severe	48"	Moderate	-4	Yes	Yes	1700	50

R304.1 delete section and add the following: No habitable room shall have a floor area less than one hundred ten square feet except kitchens, breakfast rooms, libraries and sunroom and one room shall have a minimum of one hundred twenty square feet.

R304.2 .1 Add the following: Bedrooms shall have a minimum floor area as follows:

- (1) On bedroom unit, one hundred sixty square feet.
- (2) Two or more bedroom unit:

(A) First bedroom unit, one hundred forty four square feet

(B) Each additional bedroom, one hundred ten square feet

R309.1 Add the following to the end of the second paragraph: In addition all garages shall have a four inch gas curb between the garage and the living space.

R311.5.2 Add the following: Attached and detached garages

All attached and detached garages shall have a minimum of one 36 inches wide side hinged door and a minimum of one window.

R313.1.1 Add NFPA13D after P2904

R313.2 One- and two-family dwellings automatic fire systems. An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings.

Exception: An automatic residential fire sprinkler system shall not be required for additions and alterations to existing buildings that do not meet the definition of new construction.

The definition of new construction for this section shall be: Any building or structure which has more than 50% of the value changed, or alters more than 50% of the structure or removes more than 50% of the structure shall be considered new construction and have to comply with all current codes, ordinances and standards. A thirty month period will be used to determine the above values.

R324 Add the following section: Exterior masonry walls above grade

(a) General:

(1) The exterior walls of all one and two-family residences shall have facing brick exterior to the extent indicated:

(A) Single-story residence: face brick to eave or attic floor level.

(B) Two-story single-family residence: face brick to the second story floor level.

(C) Two-story, two apartments: face brick for the full height of building.

(D) One-story single-family residential additions: face brick to bottom of the windows, minimum of three feet.

(E) Two-story single-family additions: face brick to the second floor level.

(2) All masonry material shall comply with the applicable sections of Article V of this chapter.

(b) Allowable Height and Thickness.

(1) Single-family residences not more than two-story in height, masonry walls (other than coursed or rough and random stone walls) shall be eight inches thick, when not over thirty feet in height, measured from grade to ridge of gable ends. In which case, roof must be designed to impart no lateral or horizontal thrust. When the roof imparts a lateral or horizontal thrust on walls, the minimum thickness shall be twelve inches.

- (2) Rough or random or coursed rubble stone walls shall be not less than sixteen inches in thickness.
- (3) Story-story family-family residences: masonry walls to the second floor joists shall be not less than twelve inches thick. Walls from the second floor joists, where the span is not greater than twenty-five feet from outside wall to outside walls, shall be no less than eight inches thick.
- (c) Backing shall be solid or hollow masonry units with minimum thickness:
  - (1) Bonded to face four inches thick. (See Section 14.03.270(d).)
  - (2) Tied to facing with sheet metal ties, eight inches thick.
- (d) Furring for interior finish shall be not less than two inches thick, sixteen inches on center. Install horizontal furring strips at ceiling and floor to form fire stop and prevent convection.
- (e) Lintels: size to be determined by span in each case. No load concentration over nonreinforced lintels.
  - (1) Lintels may be concrete, reinforced brick and reinforced structural clay tile.
  - (2) Stone or masonry arch.
  - (3) Steel Angle. See ASTM A7-56T.
  - (4) Support on not less than four inches of solid masonry.
- (f) Rafter plate anchor bolts to be installed.
  - (1) Diameter one-half inch minimum, minimum length fifteen inch masonry unit wall and ten inch in poured concrete walls.
- (g) Vertical chases:
  - (1) Construct at time wall is built.
  - (2) Maximum length for vertical chases where net wall thickness is eight inches, is four feet.
  - (3) Maximum chase depth four inches.
  - (4) Back and sides of chase to be plastered with one-half inch of portland cement mortar.
- (h) Horizontal chases:
  - (1) Not acceptable unless wall thickness is at least four inches greater than the wall thickness required in subsection (b) of this section.
  - (2) Maximum depth four inches.

#### R325 Driveways and sidewalks

##### General 325.1

Pitched for proper drainage. If adjacent to foundation, top of driveway to be four inches below top of foundation.

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- (a) Concrete:
  - (1) Thickness: five inches.
  - (2) Base: four inch gravel or crushed stone, compacted.
  - (3) Mix: four thousand psi, 6+ bag concrete mix, air entrained.
  - (4) Protect as specified: Concrete flatwork (sidewalks, garage slabs, patios and terraces): concrete shall be protected from excessive moisture loss after finishing for a period of six days of curing. A plastic cover or heavy waterproof paper, securely fastened down, or a membrane curing compound (ASTM 309-58) may be applied.
  - (5) Driveways only - Welded mesh six by six by W1.4 × W1.4 placed two inches below surface or listed fiber mesh installed per the manufacture.
- (b) Asphalt. Base course to be five inches thick, thoroughly compacted, with a surface of a minimum of two inches asphalt.

R325.2 Driveway approach – portion between public sidewalk and curb

- (a) Concrete: thickness, five inches.
  - (1) Base: four inch gravel or crushed stone, compacted.
  - (2) Welded mesh six by six by W1.4 × W1.4 placed two inches below surface or listed fiber mesh installed per the manufacture.
  - (3) Isolation joints premolded one-half inch thick at intersection of public sidewalk and at curb.
- (b) Asphalt: prohibited.
- (c) Public sidewalk: if sections of public sidewalk crossed by driveway are replaced, they shall comply with requirements for driveway approach.
- (d) When replacing a driveway approach, any mountable (roll over) at the driveway shall be required to be replaced with a depressed curb and gutter. Curb removal and replacement shall be accomplished by saw cutting and removing the limits of existing curb and gutter and replaced with a depressed curb and gutter, “Sawing off” the top of the curb will not be allowed.

R325.3 New Residential Construction

In all new residential construction, driveways and driveway approaches shall be concrete, unless the approved subdivision plan specifically permits use of other material.

R325.4 Entrances and Yard Sidewalks

R325.4.1 Material

Material shall be four thousand psi, 6+ bag concrete mix, air entrained; four inch gravel on crushed stone base.

R325.4.2 Main Entrance

- (a) Minimum width, three feet. Minimum thickness, five inches.
- (b) Base: four inch gravel or crushed stone, compacted.
- (c) Provide premolded isolation joint at entrance platform and at intersection with driveway on public sidewalk.
- (d) Provide contraction joints at four foot intervals.

#### R325.4.3 Service Walks

- (a) Minimum width, two feet. Minimum thickness, five inches.
- (b) Base: four inch gravel or crushed stone, compacted.
- (c) Provide isolation joint and contraction joints
- (d) Where running parallel to adjacent foundation, elevation shall be not less than four inches below top of foundation.

#### R326 Add the following section: Window Wells

##### R326.1 Metal window wells

- (a) Sealed and firmly fastened to concrete foundation.
- (b) Concrete bottom, with drain and four-inch rigid plastic pipe sleeved through footing to interior drain tile and storm sump.
- (c) Top to be not more than two inches below top of foundation and four inches above grade level.

##### Concrete window wells

Design to be approved by building official.

#### R401.5 Add the following section: Site grading

- (a) Grading of every lot shall conform with general elevation and grading plan of the subdivision and shall be performed so that water will drain away from building on all sides and off of lot by way of swales at side and near lot lines, or other approved method. See Section 14.02.010 for provisions regarding grades and elevations.
- (b) Finish Grading. The black dirt base for sod shall be placed in such a manner as to maintain the planned grade and slope necessary for control of surface water runoff.

#### Section 401.6 Add the following section: Form requirements and striping

- (a) Double forms required for all concrete foundation walls and footing.
- (b) Forms to be built straight, plumb, tight and rigidly braced.
- (c) Stripping of forms shall not be done sooner than forty-eight hours after pouring in summer weather, and not less than five days in winter weather.
- (d) All form ties shall be removed from concrete walls and opening sealed before backfilling.

**R402.2.1 Add the following section: Placing concrete**

- (a) Concrete to be placed continuously. If unforeseen circumstance does not permit continuous placing, approval of the building official is required.
- (b) When concrete is not placed continuously, top surface shall be clean scored and wetted before pour is continued. Vertical joints shall be keyed and reinforcement bars installed.
- (c) Spade and rod concrete thoroughly in form work.
- (d) Truck mixers should deliver concrete at a number of points around wall forms to avoid chuting overlong distance and segregation of mix. Concrete should not be dumped in large quantities in one spot.
- (e) One inch of sand shall be placed over column footings to prevent adherence of floor slab to column floating surface.

**Section R408.8 Add the following: Additional requirements:**

- (a) Minimum height: there shall be a minimum of twenty-four inches unobstructed height from the bottom of floor joists to the floor surface of crawl space.
- (b) The minimum height of an unfinished floor of a crawl space shall be above grade level of surrounding adjacent ground. Ground shall be level and covered with four inches of crushed stone or gravel over which there shall be a one Perm vapor barrier extending up interior foundation a minimum of six inches and be attached to foundation wall.
- (c) Crawl space floor below grade shall be level, covered with four inches of crushed stone or gravel, with a minimum of two inches of concrete. Height shall comply with subsection (a) of this Section.
- (d) Crawl space shall comply with the ventilation requirements of Section 14.02.150, access requirements of Section 14.02.210(c) and insulation requirements of Section 14.03.050(3), (4) and (5) of this title.
- (e) In flood hazard areas, floor of crawl space shall not be below adjacent ground level.

**Section 506.3 Add the following section: Concrete thickness**

- (a) All terraces and porch slabs shall have minimum thickness of 5 inches
- (b) Base: four inch gravel or crushed stone, compacted.

**Chapters 25 – 32 Delete in their entirety and insert The Illinois Plumbing Code 2014 edition**

**Chapter 44 Delete all references to the International Plumbing Code and insert the Illinois Plumbing Code 2014 edition**

**Delete all references to the International Private Sewage Code**

**Appendices – Adopt the following appendices A, B, C, F G, H, J, K**

## **Chapter 14.04 INTERNATIONAL BUILDING CODE 2012**

### **Sections:**

14.04.010 Adoption.

14.04.020 Modifications - Insertions, additions, deletions and modifications.

### **14.04.010 Adoption.**

A certain document, three copies of which are on file in the office of the village clerk of the Village of Westchester, being marked and designated as the International Building Code 2012 edition, as published by the International Code Council, Inc., be and is adopted as the building code of the Village of Westchester, in the State of Illinois; for the control of building and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said building code are referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in Section 14.04.020 of this chapter.

### **14.04.020 Modifications - Insertions, additions, deletions and modifications.**

The following sections are revised (Insertions, additions, deletions and modifications):

Section 101.1. Insert: Village of Westchester

Section 105.1.3 Add the new section and the following:

Section 105.1.3 Combining storm with sanitary drainage: The sanitary and storm drainage systems of the structure shall be entirely separate.

Any contractor who installs storm or sanitary piping shall be an Illinois licensed plumber or have a valid and current drain layers license.

Section 105.2 Delete items 1, 2, 3, 4, 5, 6, 7 cabinets and countertops, 12

Section 107.3. Examination of documents: Delete this section only (no subsections) in its entirety and amend to read:

Section 107.3. Examination of documents: It shall be required that all plans for new construction, alteration, or other building operation within the Village of Westchester be reviewed by the building department or an approved plan review engineering agency, with incurred cost to be absorbed by the applicant. Six sets of plans shall be submitted with the permit application.

Section 109.1. Payment of fees: Delete this section in its entirety and amend to read:

Section 109.1. Payment of fees: A permit to begin work shall not be issued until the required fees have been paid and the required bond and certificate of insurance have been submitted.

Section 109.2 See 14.01.110 for all fees.

Section 109.6. Refunds: Delete this section in its entirety and amend to read:

Section 109.6. Refunds: There shall be no refund of the basic permit fees upon cancellation or voiding of a permit pursuant to the terms thereof. Upon written request the water meter, if not used, may be returned for credit and the other inspection fees may be prorated.

Section 113 Delete the section in its entirety and insert: See section 14.01.060 for the Board of Appeals

Section Change the definition of high rise from “75 feet” to “50 feet”

Section 307 High Hazard Group H: Delete this section in its entirety and amend to read:

Section 307 High Hazard Group H: Not Permitted

Section 404.3. Atriums: Automatic sprinkler protection: Delete exceptions.

Section 406.3.10 Open Parking Garages: Sprinkler systems: Delete this section in its entirety and amend to read:

Section 406.3.10 Sprinkler systems: All public garages shall be equipped throughout with an automatic sprinkler system in accordance with the provisions of Chapter 9.

Table 503 Allowable Height and Building Areas: The provisions of Table 503 is hereby amended by adding thereto and inserting therein for all use groups under construction type 4, 5A, and 5B the legend "Not Permitted", and by deleting the height and area limitations pertaining to the aforementioned classification.

Section 507.1.2 All unlimited area building requires an automatic fire sprinkler system.

Table 601 is amended by adding thereto the following:

Fire Resistance Rating:

- (a) Multi-family Apartment Buildings containing three (3) or more dwelling units and two (2) or more stories in height, shall have the following fire resistance rating for structural elements:

Tenant separation walls, ceiling and floor of each dwelling unit, and all corridors, stair enclosures, heating, laundry and equipment rooms, shall not be less than two (2) hour fire resistance rated non-combustible construction.

Non-bearing partition walls in the interior of dwelling units shall be one (1) hour rated.

- (b) Hotel, Motel, and Dormitory Buildings: (low rise)

Buildings arranged for shelter and sleeping accommodations for more than twenty (20) individuals, two (2) or more stories in height, shall be constructed with all structural elements non-combustible two (2) hour fire resistance rated. Room separation walls, ceiling and floor, corridors, stair enclosures, heating, laundry and equipment rooms shall be not less than two (2) hour fire resistance rated non-combustible construction. Exterior wall construction shall be of masonry (cavity type or solid), and

have a fire resistance rating based on fire separation distance, but not less than two (2) hours.

Section 903.2. thru Section 903.2.10.1 Automatic Sprinkler Systems: Delete the contents of these sections in their entirety and amend to read:

Section 903.2 Automatic Sprinkler Systems shall be installed and maintained in full operating condition as specified, in all parts of all buildings of all use groups.

Exceptions:

Detached accessory structures, which comply with all of the following, do not require automatic fire sprinklers:

- a. Less than twenty five hundred (2,500) square feet in area
- b. Single story
- c. Not used as a dwelling or sleeping
- d. Not an High Hazard Group
- e. Not used for high hazard products or hazardous materials
- f. No basements
- g. Minimum separation to other buildings 20 feet or rated exterior walls as approved by the local official

Add Section 903.2.1 Existing Buildings:

- A. All existing commercial/industrial buildings that have a basement or are over 5,000 square feet shall have a code compliant sprinkler system installed within 24 months of the adoption of this ordinance with the following exceptions:
  1. Any building with an aggregate building area (all levels) of less than 5,000 square feet
  2. Buildings of use group R-3 and R-4 when two stories or less in height and otherwise in full compliance with the Westchester Fire Code.
  3. The above exceptions do not apply to buildings with basements
- B. The requirements for Automatic Sprinkler Systems in this Code shall be required in existing buildings upon change of use group or ownership in all buildings and in all basements with no 24 month delay

Section 903.3.5.1.2. Residential combination services: Delete this section in its entirety.

Section 907.2 Delete sections 907.2.1, 907.2.2, 907.2.3, 907.2.6, 907.2.7, 907.2.8, 907.2.9, 907.2.10 and insert the following:

A complete automatic fire alarm system with smoke detection and manual pull stations shall be provided in all use groups A, B, E, I, M and R within 24 months of the adoption of this ordinance. A change of ownership or group will trigger code compliance for fire alarms with no 24 month delay.

All existing multiple-family buildings more than 3 units or 3 stories or greater will require a complete fire alarm system with smoke detection and manual pull stations within 24 months of the adoption of this ordinance. A change of ownership or group will trigger code compliance for fire alarms with no 24 month delay.

Add Section 916.0. Key Box: When access to or within a structure or area is unduly difficult because of secured openings or where immediate access is necessary for lifesaving or firefighting purposes, the code official may require a key box to be installed in an accessible location. The key box shall be of a type approved by the code official and shall contain keys to gain necessary access as required by the code official.

#### Add Section 917.0 Supervision

Add Section 917.1. Fire suppression systems: Fire suppression systems shall be supervised by an approved remote station system of the jurisdiction in accordance with NFPA 72. When two or more fire protection/suppression systems are used in a building or structure, they shall all be connected to an approved remote supervised station of the jurisdiction.

Add Section 917.2 Fire alarm systems: All required fire alarm systems shall transmit alarm and trouble signals to an approved remote station system of the jurisdiction.

Section 1101.1 Add the following sentence. When there is a conflict between this code and the Illinois Accessibility Code, the stricter of the two shall apply.

Section 1612.3. Insert: Village of Westchester

Section 1612.3. Insert: May 12, 2009

Section 3107.1. Signs: Delete this section in its entirety and amend to read:

Section 3107.1. Signs: It shall be unlawful to construct, erect, remove, relocate, display, expand or alter any sign of any nature without first securing a permit pursuant to the regulations and requirements of the Village of Westchester Sign Code.

Add Section 3109.1.2: All private swimming pools shall be in compliance with the Westchester Municipal Code, Chapter 14.24, entitled Private Swimming Pools.

Section 3401.1 Existing buildings or structures: Delete this section in its entirety and amend to read:

Section 3401.1 Existing buildings and structures: An addition to a structure shall conform to the requirements for a new structure without requiring the existing structure to comply with the requirement for new construction, except the entire structure shall be made to conform with the requirements of this code in respect to means of egress, fire protection, light, and ventilation.

Section 3412.1 Add the following sentence: Regardless of the outcome of the compliance alternate calculation all existing buildings or change of use have to comply with the sprinkler and fire alarm requirements.

Chapter 35 Reference Standards:

Delete all references to the International Plumbing Code and insert the Illinois Plumbing Code 2014 Edition

Delete all references to the International Existing Building Code

Delete all references to the International Private Sewage Disposal Code

Appendices- Adopt the following appendices F, G, H105 and H106, I, J,

## **Chapter 14.06 MECHANICAL CODE**

### **Sections:**

14.06.010 Adoption.

14.06.020 Modifications - Insertions, additions, deletions and modifications.

### **14.06.010 Adoption.**

- (a) A certain document, three copies of which are on file in the office of the village clerk of the Village of Westchester, being marked and designated as the International Mechanical Code 2012 edition, as published by the International Code Council, be and is adopted as the code of the Village of Westchester for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems in the Village of Westchester and providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such International Mechanical Code, 2012 Edition, published by the International Code Council, on file in the office of the Village of Westchester are referred to, adopted and made a part hereof as if fully set out in this section.

### **14.06.020 Modifications (Insertions, additions, deletions and modifications):**

- (a) The following sections are revised:

Section 101.1. Insert: Village of Westchester

Section 106.5.1. Work commencing before permit issued: Delete this section in its entirety and amend to read:

Section 106.5.1. Work commencing before permit issued: Any person who commences work on a mechanical system before obtaining the necessary permits shall be subject to a fine not exceeding \$750.00 per day in addition to the required permit fees.

Section 106.5.2. Fee Schedule: Delete the contents of this section in its entirety and amend to read:

Section 106.5.2 Fee Schedule: The permit fees to be charged shall be determined as outlined in 14.01.110

Section 106.5.3. Fee Refunds #2: Insert "80%" where applicable.

Section 106.5.3. Fee Refunds #3: Insert "80%" where applicable.

Section 108.4. Insert: "Misdemeanor, \$750.00, six (6) months" where applicable. The fine shall not exceed \$750.00 per day.

Section 108.5. Insert: "\$25.00 and \$500.00" where applicable. The fine shall not exceed \$750.00 per day.

Section 109 Delete the text in its entirety and insert the following: See 14.01.060 for the Board of Appeals

#### Chapter 15 – Referenced Standards

Delete all references to the International Plumbing Code and insert the Illinois Plumbing Code 2014

Appendices - Adopt the following appendix A

### **Chapter 14.07 LIFE SAFETY CODE**

#### **Sections:**

##### **14.07.010 Adoption.**

In order to specifically address the structural requirements and conditions that have a direct influence on the safety of life in both new and existing structures, the regulations and provisions of the Life Safety Code, 2012, as published by the National Fire Protection Association, Incorporated, be and the same are hereby adopted. Three copies of said document are on file in the office of the village clerk of the Village of Westchester, Cook County, State of Illinois, and each and all of the regulations, provisions and conditions of said code are adopted and made a part hereof, as if fully set out herein. Further, if any provisions of the Westchester Building Code or the International Codes are in conflict with said Life Safety Code, the more restrictive provisions shall apply.

### **Chapter 14.08 CULVERT INSTALLATION**

#### **Sections:**

14.08.010 Driving over drainage ditch unlawful—Exception.

14.08.020 Culvert pipe requirements.

14.08.030 Permit required.

##### **14.08.010 Driving over drainage ditch unlawful—Exception.**

It is unlawful for any person, firm or corporation to drive or propel or cause or permit to be driven or propelled any motor or other vehicle or conveyance of any kind over, across, or upon any open drainage ditch running along or adjacent to any paved public street or highway within the corporate limits of the Village of Westchester, except over such part of such drainage ditch as may have been improved with concrete culvert pipe or corrugated iron pipe, such pipe to be laid

by direction and under the supervision of the building commissioner of the Village of Westchester.

**14.08.020 Culvert pipe requirements.**

The culvert pipe referred to in Section 14.08.010 shall be not less than twenty feet in length or not less than twelve feet in length if protected with a concrete header or curb at each end, and shall be of such size in diameter as required by the building commissioner or village engineer and in no case have an opening of less than ten inches in diameter; after being laid it shall be covered with sufficient material to bring driveway to established grade.

**14.08.030 Permit required.**

In all cases except where culverts are to be laid in accordance with the provisions of special taxes or special taxation ordinances, it shall be unlawful for any person, firm or corporation, to construct, lay or build any culvert in any open drainage ditch otherwise than in compliance with the specifications set forth in this chapter without first securing a written permit therefor from the building commissioner of the Village of Westchester under a penalty of not less than ten dollars nor more than twenty-five dollars for each violation and each day that such culvert shall remain so constructed, laid or built in violation of this chapter shall be a separate and distinct offense and any person, firm or corporation so violating this section shall be liable to a like penalty for each and every day that such culvert remains so constructed, laid or built.

**Chapter 14.09 ILLINOIS PLUMBING CODE 2014**

**Sections:**

14.09.010 Adoption.

14.09.020 Modifications (Insertions, additions, deletions and modifications):

**14.09.010 Adoption.**

A certain document, three copies of which are on file in the office of the village clerk of the Village of Westchester, being marked and designated as Illinois Plumbing Code 2014 edition, as published by the State of Illinois be and is adopted as the code of the Village of Westchester for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems in the Village of Westchester and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such Illinois Plumbing Code 2014 Edition, published by the State of Illinois on file in the office of the Village of Westchester are referred to, adopted and made a part hereof as if fully set out in this chapter.

**14.09.020 Modifications (Insertions, additions, deletions and modifications):**

I. There are no insertions, additions, deletions or modifications to Illinois Plumbing Code

## **Chapter 14.12 PRIVATE DRIVEWAY CONSTRUCTION**

### **Sections:**

14.12.010 Specifications—Conformance required.

14.12.020 Specifications designated.

14.12.030 Permit required—Fee.

14.12.040 Disturbing curb and gutter or obstructing drainage ditch—Permit required.

14.12.050 Other driveways—Special permit required.

### **14.12.010 Specifications—Conformance required.**

Whenever a private driveway is constructed in the Village of Westchester, between an existing sidewalk or property line and existing street pavement, such work shall be done in accordance with the specifications listed in Section 14.12.020. Any variations from said specifications because of peculiar conditions shall be subject to the approval of the president and board of trustees. This requirement applies to all driveways Residential, commercial, industrial and multifamily.

### **14.12.020 Specifications designated.**

Specifications for the construction of private driveways in the Village of Westchester shall be as follows:

- (1) In general the type of construction used on driveways shall conform with the pavement now in place except that either of the two types of construction may be used where the existing pavement does not conform with the present ordinance covering streets now in effect.
- (2) Driveways shall be constructed of one of the following types:
  - (A) Concrete;
  - (B) Water bound macadam with asphalt penetration or bituminous surface course.
- (3) Concrete driveways shall be five inches in thickness and of a 1:2:3-½ mix.
  - (A) Base: four inch gravel or crushed stone, compacted.
  - (B) Welded mesh six by six by W1.4 × W1.4 placed two inches below surface or listed fiber mesh installed per the manufacture.
  - (C) Isolation joints premolded one-half inch thick at intersection of public sidewalk and at curb.
  - (D) Public sidewalk: if sections of public sidewalk crossed by driveway are replaced, they shall comply with requirements for driveway approach.

- (4) Water bound macadam drives shall be seven inches in thickness laid in two courses, the base course to be four inches in thickness. Voids shall be filled with screenings, thoroughly tamped, wetted and rolled. After thoroughly dry, a surface course of two inches of stone penetrated with asphalt or a one and one-half inch course of bituminous surface course shall be applied.
- (5) Where curb is to be constructed along edges of proposed driveway, the existing curb or curb and gutter shall be removed between nearest joints beyond the driveway width, and replaced with a gutter making provision to provide drainage as existed prior to construction.
- (6) Where no curb is contemplated along edges of driveway, the existing curb only shall be removed for a distance of three feet beyond the edge of the driveway, provided that the cut shall be made so as to secure a straight and clean joint.
- (7) Where curb and gutter along edges of pavement does not exist, provision shall be made to carry the drainage in roadside ditches through the driveway by means of a culvert. Said culvert to be of a size sufficient to take care of flow and to be of concrete culvert pipe or corrugated iron pipe. A concrete retaining wall shall be constructed at both ends of the culvert.
- (8) Driveway approach – portion between public sidewalk and curb
  - (a) Concrete: thickness, five inches.
    - (1) Base: four inch gravel or crushed stone, compacted.
    - (2) Welded mesh six by six by W1.4 × W1.4 placed two inches below surface or listed fiber mesh installed per the manufacture.
    - (3) Isolation joints premolded one-half inch thick at intersection of public sidewalk and at curb.
  - (b) Asphalt: prohibited.
  - (c) Public sidewalk: if sections of public sidewalk crossed by driveway are replaced, they shall comply with requirements for driveway approach.
  - (d) When replacing a driveway approach, any mountable (roll over) at the driveway shall be required to be replaced with a depressed curb and gutter. Curb removal and replacement shall be accomplished by saw cutting and removing the limits of existing curb and gutter and replaced with a depressed curb and gutter, “Sawing off” the top of the curb will not be allowed.
- (9) A drawing showing proposed driveway construction and location shall be submitted for approval with each application for driveway permit.

**14.12.030 Permit required—Fee.**

No construction work in connection with the building of such private driveways shall be undertaken by anyone in the Village of Westchester, without first obtaining a permit therefor from the village building commissioner who shall supervise the construction work to determine that it conforms to the specifications provided by this chapter. The fee for such permit shall be three dollars.

**14.12.040 Disturbing curb and gutter or obstructing drainage ditch—Permit required.**

It is unlawful to cut away or disturb any curb or gutter, or place obstruction in any drainage ditch in any street in the Village of Westchester, without obtaining a special permit from the president and board of trustees, or if a private driveway is to be constructed, then without first obtaining a permit for the construction of such a private driveway from the village building commissioner in accordance with the terms of this chapter.

**14.12.050 Other driveways—Special permit required.**

The construction of all driveways not provided for in detail by this chapter shall require a special permit from the president and the board of trustees.

**Chapter 14.16 INTERNATIONAL PROPERTY MAINTENANCE CODE 2012**

**Sections:**

14.16.010 Adoption.

14.16.020 Modifications - Insertions, additions, deletions and modifications.

**14.16.010 Adoption**

A certain document, three copies of which are on file in the office of the village clerk of the Village of Westchester, being marked and designated as the International Property Maintenance Code 2012 as published by the International Code Council, Inc., be and is adopted as the Property Maintenance Code of the Village of Westchester, in the State of Illinois; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code 2012 are referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in Section 14.16.020 of this chapter.

**14.16.020 Modifications (Insertions, additions, deletions and modifications):**

The following sections are revised:

Section 101.1. Insert: Village of Westchester

Section 103.5. Fees: Delete the contents of this section in its entirety and amend to read:

Section 103.5. Fees: The permit fees to be charged as outlined in previous Village of Westchester Ordinances 14.01.110.

Section 111 Delete the text in its entirety and insert: See section 14.01.060 for Board of Appeals

Section 112.4 Failure to comply Insert: "\$25.00 and \$750.00" where applicable. The fine shall not exceed \$750.00 per day.

Section 302.3 Sidewalks and Driveways: Insert the following: All sidewalks, steps, driveways, parking areas and similar paved areas for use by the public, shall be kept in a proper and acceptable state of repair free of all potholes, surface defects and all snow, ice, mud and other debris. Any sidewalk or other paved public areas or portion thereof that is deemed to constitute a danger to public health and safety by virtue of the condition and state of disrepair shall be promptly replaced or resurfaced by the owner of the property immediately abutting or fronting on the sidewalk or other paved public area.

Add Section 302.8.1. Removal of Vehicle: Any vehicle which has not been registered and/or inspected for a period of ninety (90) days or more must be removed from within the Village limits.

Section 302.4 Insert "8 inches "

Section 304.14. Insert: "April 15 to September 15" where applicable.

Section 602.3. Insert: "September 15 to April 15" where applicable.

Section 602.4. Insert: "September 15 to April 15" where applicable.

Chapter 8 Referenced Standards

Delete all references to the International Existing Building Code

Delete all references to the International Plumbing Code and insert the Illinois Plumbing Code 2014 Edition

Delete all references to the International Zoning Code and insert the Village of Westchester Zoning Code

## **Chapter 14.20 SPECIAL FLOOD HAZARD AREAS\***

### **Sections:**

14.20.010 Purpose.

14.20.020 Definitions.

14.20.030 How to use this chapter.

14.20.040 Duties of the enforcement official(s).

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- 14.20.050 Base flood elevation.
- 14.20.060 Occupation and use of flood fringe areas.
- 14.20.070 Occupation and use of designated floodways.
- 14.20.080 Occupation and use of SFHA areas where floodways are not identified.
- 14.20.090 Permitting requirements applicable to all floodplain areas.
- 14.20.100 Other development requirements.
- 14.20.110 Variances.
- 14.20.120 Disclaimer of liability.
- 14.20.130 Penalty.
- 14.20.140 Abrogation and greater restrictions.
- 14.20.150 Separability.
- 14.20.160 Effective date.

**14.20.010 Purpose.**

This chapter is enacted pursuant to the police powers granted to this village by 65 ILCS 5/1-2-1, 5/11-12-12, 5/11-30-2, 5/11-30-8, and 5/11-31-2 (1994). The purpose of this chapter is to maintain this village's eligibility in the national flood insurance program; to minimize potential losses due to periodic flooding including loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare; and to preserve and enhance the quality of surface waters, conserve economic and natural values and provide for the wise utilization of water and related land resources. This chapter is adopted in order to accomplish the following specific purposes:

- (1) To meet the requirements of 615 ILCS 5/18g Rivers, Lakes and Streams Act;
- (2) To assure that new development does not increase the flood or drainage hazards to others, or creating unstable conditions susceptible to erosion;
- (3) To protect new buildings and major improvements to buildings from flood damage;
- (4) To protect human life and health from the hazards of flooding;
- (5) To lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations;
- (6) To make federally subsidized flood insurance available for property in the village by fulfilling the requirements of the national flood insurance program;
- (7) To comply with the rules and regulations of the national flood insurance program codified as 44 CFR 59-79, as amended;

- (8) To protect, conserve, and promote the orderly development of land and water resources; and
- (9) To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and storm water impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

#### **14.20.020 Definitions.**

For the purposes of this chapter, the following definitions are adopted:

"Accessory structure" means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

"Act" means "an act in relation to the regulation of the rivers, lakes and streams of the State of Illinois," 615 ILCS 5/5 et seq.

"Applicant" means any person, firm, corporation or agency which submits an application.

"Appropriate use" means only uses of the designated floodway that are permissible and will be considered for permit issuance. The only uses that will be allowed are as specified in Section 14.20.070(2).

"Base flood" means the flood having a one-percent chance of being equaled or exceeded in any given year. The base flood is also known as the one-hundred-year frequency flood event. Application of the base flood elevation at any location is as defined in Section 14.20.050 of this chapter.

"Base flood elevation (BFE)" means the elevation in relation to mean sea level of the crest of the base flood.

"Building" means a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, mobile home or a prefabricated building. This term also includes recreational vehicles and travel trailers to be installed on a site for more than one hundred eighty days, unless fully licensed and ready for highway use.

"Channel" means any river, stream, creek, brook, branch, natural or artificial depression, ponded area, flowage, slough, ditch, conduit, culvert, gully, ravine, wash, or natural or man-made drainage way, which has a definite bed and banks or shoreline, in or into which surface or groundwater flows, either perennially or intermittently.

"Channel modification" means alteration of a channel by changing the physical dimensions or materials of its bed or banks. Channel modification includes damming, rip-rapping (or other armoring), widening, deepening, straightening, relocating, lining and significant removal of native vegetation from the bottom or banks. Channel modification does not include the clearing of dead or dying vegetation, debris, or trash from the channel. Channelization is a severe form of

channel modification involving a significant change in the channel cross-section and typically involving relocation of the existing channel (e.g., straightening).

"Compensatory storage" means an artificially excavated, hydraulically equivalent volume of storage within the SFHA used to balance the loss of natural flood storage capacity when artificial fill or structures are placed within the floodplain. The uncompensated loss of natural floodplain storage can increase off-site floodwater elevations and flows.

"Conditional approval of a designated floodway map change" means preconstruction approval by IDNR/OWR and FEMA of a proposed change to the floodway map. This preconstruction approval, pursuant to this part, gives assurances to the property owner that once an appropriate use is constructed according to permitted plans, the floodway map can be changed, as previously agreed, upon review and acceptance of as-built plans.

"Conditional letter of map revision (CLOMR)" means a letter which indicates that FEMA will revise base flood elevations, flood insurance rate zones, flood boundaries or floodway as shown on an effective flood hazard boundary map or flood insurance rate map, once the as-built plans are submitted and approved.

"Control structure" means a structure designed to control the rate of flow that passes through the structure, given a specific upstream and downstream water surface elevation.

"Critical facility" means any public or private facility which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Examples are public buildings, emergency operations and communication centers, etc.

"Dam" means all obstructions, wall embankments or barriers, together with their abutments and appurtenant works, if any, constructed for the purpose of storing or diverting water or creating a pool. Underground water storage tanks are not included.

"Designated floodway" means the channel, including on-stream lakes, and that portion of the floodplain adjacent to a stream or watercourse as designated by IDNR/OWR, which is needed to store and convey the existing one-hundred-year frequency flood discharge with no more than a 0.1 foot increase in stage due to the loss of flood conveyance or storage, and no more than a ten percent increase in velocities.

- (1) The floodways are designated for Salt Creek on the flood insurance rate map prepared by FEMA and dated November 6, 2000. The floodways are designated for Addison Creek on the flood insurance rate map prepared by FEMA and dated June 2, 2005.
- (2) The floodways for those parts of unincorporated Cook County that are within the extraterritorial jurisdiction of the village that may be annexed into the village are designated for Salt Creek on the flood insurance rate map prepared by FEMA and dated November 6, 2000. The floodways are designated for Addison Creek on the flood insurance rate map prepared by FEMA and dated June 2, 2005.
- (3) To locate the designated floodway boundary on any site, the designated floodway boundary should be scaled off the designated floodway map and located on a site plan, using reference marks common to both maps. Where interpretation is needed to

determine the exact location of the designated floodway boundary, IDNR/OWR should be contacted for the interpretation.

"Development" means any man-made change to real estate, including:

- (1) Construction, reconstruction, repair, or placement of a building or any addition to a building;
- (2) Installing a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer or recreational vehicle on a site for more than one hundred eighty days. If the travel trailer or recreational vehicle is on-site for more than one hundred eighty days, it must be fully licensed and ready for highway use;
- (3) Drilling, mining, installing utilities, construction of roads, bridges, or similar projects;
- (4) Demolition of a structure or redevelopment of a site;
- (5) Clearing of land as an adjunct of construction;
- (6) Construction or erection of levees, walls, fences, dams, or culverts; channel modification; filling, dredging, grading, excavating, paving, or other nonagricultural alterations of the ground surface; storage of materials; deposit of solid or liquid waste;
- (7) Any other activity of man that might change the direction, height, or velocity of flood or surface water, including extensive vegetation removal.

Development does not include routine maintenance of existing buildings and facilities such as re-roofing or resurfacing of roads when there is no increase in elevation, or gardening, plowing, and similar agricultural practices that do not involve filling, grading, or construction of levees.

"Elevation certificates" means a form published by FEMA that is used to certify the elevation to which a building has been elevated.

"Erosion" means the general process whereby soils are moved by flowing water or wave action.

"Exempt organizations" means organizations which are exempt from this chapter per Illinois Compiled Statutes (ILCS) including state, federal or local units of government.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) has been completed before April 1, 1990.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"FEMA" means Federal Emergency Management Agency and its regulations at 44 CFR 59-79 revised as of October 1, 2001. This incorporation does not include any later editions or amendments.

"Flood" means a general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waves, or the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood frequency" means a period of years, based on a statistical analysis, during which a flood of a stated magnitude may be expected to be equaled or exceeded.

"Flood fringe" means that portion of the floodplain outside of the designated floodway.

"Flood hazard boundary map" means an official map of a community where the boundaries of the flood having special hazard areas have been designated as Zone A.

"Flood insurance rate maps (FIRM)" means a map prepared by FEMA that depicts the special flood hazard area (SFHA) within a community. This map includes insurance rate zones and floodplains and may or may not depict floodways.

"Flood insurance study" means an examination, evaluation and determination of flood hazards and if appropriate, corresponding water surface elevations.

"Floodplain" means that land typically adjacent to a body of water with ground surface elevations at or below the base flood or the one-hundred-year frequency flood elevation. Floodplains may also include detached special flood hazard areas, ponding areas, etc. The floodplain is also known as the special flood hazard area (SFHA).

- (1) The floodplains are those lands within the jurisdiction of the village that are subject to inundation by the base flood or one-hundred-year frequency flood. The SFHA's of the village for Addison Creek are generally identified as such on the flood insurance rate map of Cook County prepared by the Federal Emergency Management Agency and dated June 2, 2005. The SFHA's of the village for Salt Creek are generally identified as such on the flood insurance rate map of Cook County prepared by the Federal Management Agency and dated November 6, 2000.
- (2) The SFHA's of those parts of unincorporated Cook County that are within the extraterritorial jurisdiction of the village or that may be annexed into the village are generally identified as such on the most current version of the flood insurance rate map prepared for Cook County by the Federal Emergency Management Agency.

"Floodproofing" means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodproofing certificate" means a form published by FEMA that is used to certify that a building has been designed and constructed to be structurally dry flood proofed to the flood protection elevation.

"Flood protection elevation (FPE)" means the elevation of the base flood or one-hundred-year frequency flood plus one foot of freeboard at any given location in the SFHA.

522875.1

"Freeboard" means an increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations; future watershed development, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

"Historic structure" means any structure that is:

- (1) Listed individually in the National Register of Historic Places or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminary determined by the Secretary of the Interior as contributing to the historic district or a district preliminary determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on the state inventory of historic places by the Illinois Historic Preservation Agency;
- (4) Individually listed on a local inventory of historic places that has been certified by the Illinois Historic Preservation Agency.

"Hydrologic and hydraulic calculations" means engineering analysis which determine expected flood flows and flood elevations based on land characteristics and rainfall events.

"IDNR/OWR" means Illinois Department of Natural Resources, Office of Water Resources.

"Letter of map amendment (LOMA)" means official determination by FEMA that a specific structure is not in a one-hundred-year flood zone; amends the effective flood hazard boundary map (FHBM) or FIRM.

"Letter of map revision (LOMR)" means letter that revises base flood or one-hundred-year frequency flood elevations, flood insurance rate zones, flood boundaries or floodways as shown on an effective FHBM or FIRM.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a buildings lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designated for use with or without a permanent foundation when attached to the required utilities. The term manufactured homes also includes park trailers, travel trailers and other similar vehicles placed on-site for more than one hundred eighty consecutive days. The term "manufactured home" does not include a "recreational vehicle."

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mitigation" means and includes those measures necessary to minimize the negative effects which floodplain development activities might have on the public health, safety and welfare.

Examples of mitigation include compensatory storage, soil erosion and sedimentation control, and channel restoration. Mitigation may also include those activities taken to reduce a structure's susceptibility to flooding.

"New construction" means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) has been completed on or after April 1, 1990.

"NGVD" means National Geodetic Vertical Datum of 1929. Reference surface set by the National Geodetic Survey deduced from a continental adjustment of all existing adjustments in 1929.

"Natural" when used in reference to channels means those channels formed by the existing surface topography of the earth prior to changes made by man. A natural stream tends to follow a meandering path; its floodplain is not constrained by levees; the area near the bank has not been cleared, mowed or cultivated; the stream flows over soil and geologic materials typical of the area with no substantial alteration of the course or cross-section of the stream caused by filling or excavating. A modified channel may regain some natural characteristics over time as the channel meanders and vegetation is re-established. Similarly, a modified channel may be restored to more natural conditions by man through regrading and revegetation.

"Ordinary high water mark (OHWM)" means the point on the bank or shore up to which the presence and action of surface water is so continuous so as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.

"Public bodies of waters" means all open public streams and lakes capable of being navigated by watercraft, in whole or in part, for commercial uses and purposes, and all lakes, rivers, and streams which in their natural condition were capable of being improved and made navigable, or that are connected with or discharge their waters into navigable lakes or rivers within, or upon the borders of the State of Illinois, together with all bayous, sloughs, backwaters, and submerged lands that are open to the main channel or body of water directly accessible thereto.

"Public flood control project" means a flood control project which will be operated and maintained by a public agency to reduce flood damages to existing buildings and structures which includes a hydrologic and hydraulic study of the existing and proposed conditions of the watershed. Nothing in this definition shall preclude the design, engineering, construction or financing, in whole or in part, of a flood control project by persons or parties who are not public agencies.

"Recreational vehicle or travel trailer" means a vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Registered land surveyor" means a land surveyor registered in the State of Illinois, under the Illinois Land Surveyors Act. (225 ILCS 330/1, *et seq.*)

"Registered professional engineer" means an engineer registered in the State of Illinois, under the Illinois Professional Engineering Practice Act. (225 ILCS 325/1 *et seq.*)

"Repair, remodeling or maintenance" means development activities which do not result in any increases in the outside dimensions of a building or any changes to the dimensions of a structure.

"Repetitive loss" means flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five percent of the market value of the structure before the damaged occurred.

"Retention/detention facility" means a retention facility stores storm water runoff without a gravity release. A detention facility provides for storage of storm water runoff and controlled release of this runoff during and after a flood or storm.

"Riverine SFHA" means any SFHA subject to flooding from a river, creek, intermittent stream, ditch, on stream lake system or any other identified channel. This term does not include areas subject to flooding from lakes, ponding areas, areas of sheet flow, or other areas not subject to overbank flooding.

"Runoff" means the water derived from melting snow or rain falling on the land surface, flowing over the surface of the ground or collected in channels or conduits.

"Sedimentation" means the processes that deposit soils, debris, and other materials either on other ground surfaces or in bodies of water or watercourses.

"Special flood hazard area (SFHA)" means any base flood area subject to flooding from a river, creek, intermittent stream, ditch, or any other identified channel or ponding and shown on a flood hazard boundary map or flood insurance rate map as Zone A, A0, AI-30, AE, A99, AH, VO, V30, VE, V, M, E, or D.

"Start of construction" means and includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or placement of a manufactured home on a foundation.

"Structure" means the results of a man-made change to the land constructed on or below the ground, including the construction, reconstruction or placement of a building or any addition to a building; installing a manufactured home on a site; preparing a site for a manufactured home or installing a travel trailer on a site for more than one hundred eighty days unless they are fully licensed and ready for highway use.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty percent of the market value of the structure before the damage occurred, regardless of the actual repair work performed. Volunteer labor and materials must be included in this determination. Damage of less than fifty percent of the fair market value will be applied to the repetitive loss calculations.

"Substantial improvement" means:

- (1) Any reconstruction, rehabilitation, addition, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement.
- (2) For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building.
- (3) The term does not, however, include either (A) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (B) any alteration of a "historic structure" listed on the National Register of Historic Places or the Illinois Register of Historic Places, provided that the alteration will not preclude the structure's continued designation as a historic structure.

"Transition section" means reaches of the stream or floodway where water flows from a narrow cross-section to a wide cross-section or vice versa.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance is presumed to be in violation until such time as that documentation is provided.

#### **14.20.030 How to use this chapter.**

- (a) The building commissioner shall be responsible for fulfilling all of the duties listed in Section 14.20.040
- (b) To fulfill those duties, the building commissioner first should use the criteria listed in Section 14.20.050, Base flood elevations, to determine whether the development site is located within a floodplain.
- (c) Once it has been determined that a site is located within a floodplain, the building commissioner must determine whether the development site is within a flood fringe, a

522875.1

designated floodway, or within a SFHA or floodplain for which no floodway has been identified.

- (d) If the site is within a flood fringe, the building commissioner shall require that the minimum requirements of Section 14.20.060 be met.
- (e) If the site is within a floodway, the building commissioner shall require that the minimum requirements of Section 14.20.070 be met.
- (f) If the site is located within a SFHA or floodplain for which no detailed study has been completed and approved, the building commissioner shall require that the minimum requirements of Section 14.20.080 be met.
- (g) In addition, the general requirements of Section 14.20.090 shall be met for all developments meeting the requirements of Section 14.20.060, 14.20.070, or 14.20.080
- (h) The building commissioner shall assure that all subdivision proposals shall meet the requirements of Section 14.20.100
- (i) If a variance is to be granted for a proposal, the building commissioner shall review the requirements of Section 14.20.110 to make sure they are met. In addition, the building commissioner shall complete all notification requirements.
- (j) In order to assure that property owners obtain permits as required in this chapter, the building commissioner may take any and all actions as outlined in Section 14.20.130

#### **14.20.040 Duties of the enforcement official(s).**

The building commissioner shall be responsible for the general administration and enforcement of this chapter which shall include the following:

- (1) Determining the Floodplain Designation.
  - (A) Check all new development sites to determine whether they are in a special flood hazard area (SFHA).
  - (B) If they are in a SFHA, determine whether they are in a floodway, flood fringe or in a floodplain for which a detailed study has not been conducted and which drains more than one square mile.
  - (C) Check whether the development is potentially within an extended SFHA (with a drainage area less than one square mile), indicating that the development would have adverse impacts regarding storage, conveyance, or inundation which would be the basis for the applicant being required to delineate the floodplain and floodway and be subject to the remaining sections of this chapter.
- (2) Professional Engineer Review.
  - (A) If the development site is within a floodway or in a floodplain for which a detailed study has not been conducted and which drains more than one square mile, the permit shall be referred to a registered professional engineer under the employ or

contract of the village for review to ensure that the development meets Section 14.20.070 or 14.20.080

- (B) In the case of an appropriate use, the P.E. shall state in writing that the development meets the requirements of Section 14.20.070
- (3) Dam Safety Requirements.
  - (A) Ensure that an IDNR/OWR permit has been issued or a letter indicating no permit is required, if the proposed development activity includes construction of a dam as defined in Section 14.20.020
  - (B) Regulated dams may include weirs, restrictive culverts or impoundment structures.
- (4) Other Permit Requirements. Ensure that any and all required federal, state and local permits are received prior to the issuance of a floodplain development permit.
- (5) Plan Review and Permit Issuance.
  - (A) Ensure that all development activities within the SFHAs of the jurisdiction of the village meet the requirements of this chapter; and
  - (B) Issue a floodplain development permit in accordance with the provisions of this chapter and other regulations of this community when the development meets the conditions of this chapter.
- (6) Inspection Review. Inspect all development projects before, during and after construction to assure proper elevation of the structure and to ensure compliance with the provisions of this chapter.
- (7) Damage Determinations. Make damage determinations of all damaged buildings in the SFHA after a flood to determine substantially damaged structures which must comply with Section 14.20.090(3) (A) (iii).
- (8) Elevation and Floodproofing Certificates. Maintain permit files including:
  - (A) An elevation certificate certifying the elevation of the lowest floor (including basement) of a residential or nonresidential building subject to Section 14.20.090 of this chapter; and/or
  - (B) The elevation to which a nonresidential building has been flood proofed, using a flood proofing certificate, for all buildings subject to Section 14.20.090 of this chapter.
- (9) Records for Public Inspection. Maintain for public inspection and furnish upon request base flood data, SFHA and designated floodway maps, copies of federal or state permit documents, variance documentation, conditional letter of map revision, letter of map revision, letter of map amendment and "as-built" elevation and flood proofing and/or elevation certificates for all buildings constructed subject to this chapter.
- (10) State Permits. Ensure that construction authorization has been granted by IDNR/OWR, for all development projects subject to Sections 14.20.070 and 14.20.080 of this

chapter, unless enforcement responsibility has been delegated to the village. However, the following review approvals are not delegated to the village and shall require review or permits from IDNR/OWR:

- (A) Organizations which are exempt from this chapter, as per the Illinois Compiled Statutes;
  - (B) IDNR/OWR projects, dams or impoundment structures as defined in Section 14.20.020 and all other state, federal or local unit of government projects, including projects of the village and county, except for those projects meeting the requirements of Section 14.20.070(2)(G);
  - (C) An engineer's determination that an existing bridge or culvert crossing is not a source of flood damage and the analysis indicating the proposed flood profile, per Section 14.20.070(2)(C)(v);
  - (D) An engineer's analysis of the flood profile due to Section 14.20.070(2) (C) (iv);
  - (E) Alternative transition sections and hydraulically equivalent compensatory storage as indicated in Section 14.20.070(2) (C) (i), (ii) and (viii);
  - (F) Permit issuance of structures within, under, or over publicly navigable rivers, lakes and streams;
  - (G) Any changes in the base flood elevation or floodway locations; and
  - (H) Base flood elevation determinations where none now exist.
- (11) Cooperation with Other Agencies.
- (A) Cooperate with state and federal floodplain management agencies to improve base flood or one-hundred-year frequency flood and floodway data and to improve the administration of this chapter;
  - (B) Submit data to IDNR/OWR and FEMA for proposed revisions of a regulatory map within six months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map;
  - (C) Submit reports as required for the national flood insurance program; and
  - (D) Notify FEMA of any proposed amendments to this chapter.
- (12) Promulgate Regulations. Promulgate rules and regulations as necessary to administer and enforce the provisions of this chapter, subject however to the review and approval of IDNR/OWR and FEMA for any ordinance changes.

#### **14.20.050 Base flood elevation.**

- (a) This chapter's protection standard is based on the flood insurance study for the village.
  - (1) If a base flood elevation or one-hundred-year frequency flood elevation is not available for a particular site, then the protection standard shall be according to the best existing

data available in the Illinois State Water Survey's Floodplain Information Repository that has been approved by IDNR/OWR and FEMA.

- (2) When a party disagrees with the best available data, he/she shall finance the detailed engineering study needed to replace existing data with better data and submit it to IDNR/OWR and FEMA for approval prior to any development of the site.
- (b) The base flood or one-hundred-year frequency flood elevation for the SFHAs of Addison Creek shall be as delineated on the one-hundred-year flood profiles in the flood insurance study of the village prepared by FEMA and dated June 2, 2005, and such amendments to such study and maps as may be prepared from time to time. The base flood or one-hundred-year frequency flood elevation for the SFHAs of Salt Creek shall be as delineated on the one-hundred-year flood profiles in the flood insurance study of the village prepared by FEMA and dated November 6, 2000, and such amendments to such study and maps as may be prepared from time to time.
- (c) The base flood or one-hundred-year frequency flood elevation for the SFHAs of those parts of unincorporated Cook County that are within the extraterritorial jurisdiction of the village or that may be annexed into the village shall be as delineated on the one-hundred-year flood profiles in the most current version of the flood insurance study of Cook County prepared by FEMA, and such amendments or revisions to such study and maps as may be prepared from time to time.
- (d) The base flood or one-hundred-year frequency flood elevation for each SFHA delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the flood insurance rate map of the village.
- (e) The base flood or one-hundred-year frequency flood elevation for each of the remaining SFHAs delineated as an "A Zone" on the flood insurance rate map of the village shall be according to the best existing data available in the Illinois State Water Survey Floodplain Information Repository.
  - (1) When no base flood or one-hundred-year frequency flood elevation exists, the base flood or one-hundred-year frequency flood elevation for a riverine SFHA shall be determined from a backwater model, such as HEC-II, WSP-2, or a dynamic model such as HIP.
  - (2) The flood flows used in the hydraulic models shall be obtained from a hydrologic model, such as HEC-I, TR-20, or HIP, or by techniques presented in various publications prepared by the United States Geological Survey for estimating peak flood discharges.
  - (3) Along any watercourses draining more than one square mile, the above analyses shall be submitted to IDNR/OWR for approval. Once approved it must be submitted to the Illinois State Water Survey Floodplain Information Repository for filing.
  - (4) For a nonriverine SFHA, the base flood elevation shall be the historic flood of record plus three feet, unless calculated by a detailed engineering study and approved by IDNR/OWR for drainage areas greater than one square mile.

- (5) For an unmapped extended SFHA (with a drainage area less than one square mile) which has been identified by the building commissioner pursuant to Section 14.20.040(1)(C), the base flood elevation shall be determined by the applicant utilizing a method as approved in this subsection, with concurrence of the building commissioner.

#### **14.20.060 Occupation and use of flood fringe areas.**

Development in and/or filling of the flood fringe will be permitted if protection is provided against the base flood or one-hundred-year frequency flood by proper elevation, and compensatory storage, and other applicable provisions of this chapter. No use will be permitted which adversely affects the capacity of drainage facilities or systems. Developments located within the flood fringe shall meet the requirements of this section, along with the requirements of Section 14.20.090.

##### **(1) Development Permit.**

- (A) No person, firm, corporation, or governmental body not exempted by law shall commence any development in the SFHA without first obtaining a development permit from the building commissioner.
- (B) Application for a development permit shall be made on a form provided by the building commissioner.
  - (i) The application shall be accompanied by drawings of the site, drawn to scale, showing property line dimensions and legal description for the property and sealed by a licensed engineer, architect or land surveyor; existing grade elevations in M.S.L., 1929 adj. datum or N.G.V.D. and all changes in grade resulting from excavation or filling; the location and dimensions of all buildings and additions to buildings.
  - (ii) For all proposed buildings, the elevation of the lowest floor (including basement) and lowest adjacent grade shall be shown on the submitted plans and the development will be subject to the requirements of Section 14.20.090 of this chapter.
- (C) Upon receipt of a development permit application, the building commissioner shall compare the elevation of the site to the base flood or one-hundred-year frequency flood elevation.
  - (i) Any development located on land that can be shown to be higher than the base flood elevation of the current flood insurance rate map and which has not been filled after the date of the site's first flood insurance rate map without a permit as required by this chapter is not in the SFHA and, therefore, not subject to the requirements of this chapter. Conversely, any development located on land shown to be below the base flood elevation and hydraulically connected, but shown on the current flood insurance rate map is subject to the provisions of this chapter.

- (ii) The building commissioner shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first flood insurance rate map identification.
  - (D) A soil erosion and sediment control plan for disturbed areas shall be submitted. This plan shall include a description of the sequence of grading activities and the temporary sediment and erosion control measures to be implemented to mitigate their effects. This plan shall also include a description of final stabilization and revegetation measures, and the identification of a responsible party to ensure post-construction maintenance.
  - (E) The building commissioner shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits, approvals or permit-not-required letters that may be required for this type of activity. The building commissioner shall not issue a permit unless all other federal, state, and local permits have been obtained.
- (2) Preventing Increased Damages. No development in the flood fringe shall create a threat to public health and safety.
- (A) If fill is being used to elevate the site above the base flood or one-hundred-year frequency flood elevation, the applicant shall submit sufficient data and obtain a letter of map revision (LOMR) from FEMA for the purpose of removing the site from the floodplain.
  - (B) Compensatory Storage.
    - (i) Whenever any portion of a floodplain is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the base flood or one-hundred-year frequency flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood or one-hundred-year frequency flood elevation.
    - (ii) The excavation volume shall be at least equal to 1.0 times the volume of storage lost due to the fill or structure.
    - (iii) In the case of streams and watercourses, such excavation shall be made opposite or adjacent to the areas so filled or occupied.
    - (iv) All floodplain storage lost below the existing ten-year flood elevation shall be replaced below the proposed ten-year flood elevation. All floodplain storage lost above the existing ten-year flood elevation shall be replaced above the proposed ten-year flood elevation.
    - (v) All such excavations shall be constructed to drain freely and openly to the watercourse.
- (3) Construction of the Lowest Floor Below the Base Flood Elevation (BFE). A person who has obtained a letter of map revision based on fill that removes a site in the flood fringe

from the floodplain due to the use of fill to elevate the site above the BFE, may apply for a permit from the village to construct the lowest floor of a residential building below the BFE in the flood fringe. The building commissioner shall not issue such a permit unless the applicant has complied with all the criteria set forth in the following subsection:

(A) Compensatory storage shall be provided per subsection (2) (B) of this section:

- (i) The elevation of the lowest opening in the basement wall (i.e., window wells, access ways) shall be at or above the flood protection elevation (FPE).
- (ii) The lowest adjacent grade to the foundation shall be at or above the FPE, for a minimum distance of ten feet beyond the outside face of the structure. However, if site conditions are such that this requirement cannot be met, the building commissioner may waive the ten-foot minimum setback if an Illinois registered professional engineer certify that an alternative method to protect the building from damage due to hydrostatic pressures has been met. The certifications shall be in the form of a detailed soils and structural design analysis, which shall be submitted to the building commissioner for review. The building commissioner may require such additional documentation as necessary to prove that the proposed shorter setback distance will keep the structure reasonably safe. In no case shall the setback distance be less than four feet.
- (iii) The grade around the perimeter of the structure, measured at a distance of twenty feet from the structure, shall be above the BFE. However, if site conditions are such that this requirement cannot be obtained, the building commissioner may waive the twenty-foot minimum setback distance if an Illinois registered professional engineer certifies that an alternative method to protect the building from damages due to hydrostatic pressures have been met. A detailed soils analysis and structural design proving that a shorter setback distance will keep the structure reasonably safe from flooding, shall be submitted to the village for review. In no case shall the setback distance be less than four feet.
- (iv) The ground around the building shall be compacted fill that meets all requirements of this subsection and is at least five feet thick under the basement floor slab. Nothing in this subsection shall be interpreted to require the removal or replacement of fill that was placed as part of a LOMR-F, if such fill consists of material, including soils of similar classification and degree permeability, such as those classified as CH, CL, SC or ML according to ASTM standard D-2487, Classification of Soils for Engineering Purposes.
- (v) The fill material must be homogeneous (i.e., all of one material) and isotropic (i.e., having the same engineering properties) and in the same direction.
- (vi) All fill material and compaction shall be designed, certified and inspected by an Illinois registered professional engineer, as warranted by the site conditions.

- (vii) The basement floor shall be at an elevation that is no more than five below the BFE.
- (viii) There shall be a granular drainage layer beneath the floor slab, and minimum of one-fourth horsepower sump pump with a backup power supply shall be provided to remove seepage flow. The pump shall be rated at four times the estimated seepage rate and shall discharge above the BFE and away from the building in order to prevent flooding of the basement or uplift of the floor under the effect of the seepage pressure.
- (ix) The drainage system shall be equipped with a positive means of preventing backflow.
- (x) All foundation elements shall be designed to withstand hydrostatic pressure in accordance with accepted engineering practices.
- (xi) If the applicant is unable to meet all of the requirements set forth in the preceding paragraphs of this subsection, the building commissioner may allow the construction of a basement below the BFE only if the applicant demonstrates that the proposed fill and structure meet the guidelines and requirements set forth in FEMA Technical Bulletin 10-01 and are reasonably safe from flooding. In order to demonstrate that the proposed structure is reasonably safe from flooding, the applicant shall submit a detailed engineering analysis of the proposed fill and foundation wall. The engineered basement study shall be completed in accordance with the latest edition of FEMA Technical Bulletin 10-01, with the analysis of the fill being prepared by an Illinois registered professional engineer.
- (xii) In order to provide the required compensatory storage on-site, in no case shall the depth of excavation in the front and side yards of the lot exceed eighteen inches, as measured from the previously existing natural grade. The rear yard shall be permitted to have a greater depth of excavation, if necessary. All such excavation shall be constructed to drain freely and openly to the watercourse or storm sewer system. The use of mechanical means to drain the compensatory storage area will not be permitted.

#### **14.20.070 Occupation and use of designated floodways.**

This section applies to proposed development, redevelopment, site modification or building modification within a designated floodway. The designated floodway for Addison Creek and Salt Creek shall be as delineated on the designated floodway maps designated by IDNR/OWR according to and referenced in Section 14.20.020. Only those uses and structures will be permitted which meet the criteria in this section. All floodway modifications shall be the minimum necessary to accomplish the purpose of the project. The development shall also meet the requirements of Section 14.20.090.

- (1) Development Permit. No person, firm, corporation or governmental body not exempted by state law shall commence any development in a floodway without first obtaining a development permit from the building commissioner and IDNR/OWR.
  - (A) Application for a development permit shall be made on a form provided by the building commissioner. The application shall include the following information:
    - (i) Name and address of applicant;
    - (ii) Site location (including legal description) of the property, drawn to scale, on the designated floodway map, indicating whether it is proposed to be in an incorporated or unincorporated area;
    - (iii) Name of stream or body of water affected;
    - (iv) Description of proposed activity;
    - (v) Statement of purpose of proposed activity;
    - (vi) Anticipated dates of initiation and completion of activity;
    - (vii) Name and mailing address of the owner of the subject property if different from the applicant;
    - (viii) Signature of the applicant or the applicant's agent;
    - (ix) If the applicant is a corporation, the president or other authorized officer shall sign the application form;
    - (x) If the applicant is a partnership, each partner shall sign the application form; and
    - (xi) If the applicant is a land trust, the trust officer shall sign the name of the trustee by him (her) as trust officer. A disclosure affidavit shall be filed with the application, identifying each beneficiary of the trust by name and address and defining the respective interests therein;
    - (xii) Plans of the proposed activity shall be provided which include as a minimum:
      - a. A vicinity map showing the site of the activity, name of the waterway, boundary lines, names of roads in the vicinity of the site, graphic or numerical scale, and north arrow,
      - b. A plan view of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the structure or work, elevations in mean sea level (1929 adjustment) datum or N.G.V.D. or North American Vertical Datum, adjacent property lines and ownership, drainage and flood control easements, location of any channels and any existing or future access roads, distance between proposed activity and navigation channel (when the proposed construction is near a commercially navigable body of water), designated floodway limit, floodplain limit, specifications and dimensions of any proposed channel

- modifications, location and orientation of cross-sections, north arrow, and a graphic or numerical scale,
- c. Cross-section views of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the work as shown in plain view, existing and proposed elevations, normal water elevation, ten-year frequency flood elevation, one-hundred-year frequency flood elevation, and graphic or numerical scales (horizontal and vertical),
  - d. A soil erosion and sediment control plan for disturbed areas. This plan shall include a description of the sequence of grading activities and the temporary sediment and erosion control measures to be implemented to mitigate their effects. This plan shall also include a description of final stabilization and revegetation measures, and the identification of a responsible party to ensure post-construction maintenance,
  - e. A copy of the designated floodway map, marked to reflect any proposed change in the designated floodway location;
- (xiii) Any and all other federal, state, and local permits or approval letters that may be required for this type of development;
  - (xiv) Engineering calculations and supporting data shall be submitted showing that the proposed work will meet the permit criteria of subsection (2) of this section;
  - (xv) If the designated floodway delineation, base flood or one-hundred-year frequency flood elevation will change due to the proposed project, the application will not be considered complete until IDNR/OWR has indicated conditional approval of the designated floodway map change. No structures may be built until a letter of map revision has been approved by FEMA;
  - (xvi) The application for a structure shall be accompanied by drawings of the site, drawn to scale showing property line dimensions and existing ground elevations and all changes in grade resulting from any proposed excavation or filling, and floodplain and floodway limits; sealed by a registered professional engineer, licensed architect or registered land surveyor; the location and dimensions of all buildings and additions to buildings; and the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 14.20.090 of this chapter;
  - (xvii) If the proposed project involves a channel modification, the applicant shall submit the following information:
    - a. A discussion of the purpose of and need for the proposed work,

- b. A discussion of the feasibility of using alternative locations or methods (see subsection (2) (C) (ix) (a) of this section) to accomplish the purpose of the proposed work,
  - c. An analysis of the extent and permanence of the impacts each feasible alternative identified in subsection (2) (C) (ix) (a) of this section would have on the physical and biological conditions of the body of water affected, and
  - d. An analysis of the impacts of the proposed project, considering cumulative effects on the physical and biological conditions of the body of water affected.
- (B) The building commissioner shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits and approvals that may be required for this type of activity.
- (i) The building commissioner shall not issue the development permit unless all required federal and state permits have been obtained.
  - (ii) A registered professional engineer, under the employ or contract of the village, shall review and approve applications reviewed under this section.
- (2) Preventing Increased Damages and a List of Appropriate Uses.
- (A) The only development in a floodway which will be allowed are appropriate uses, which will not cause a rise in the base flood elevation, and which will not create a damaging or potentially damaging increase in flood heights or velocity or be a threat to public health and safety and welfare or impair the natural hydrologic and hydraulic functions of the floodway or channel, or permanently impair existing water quality or aquatic habitat. Construction impacts shall be minimized by appropriate mitigation methods as called for in this chapter. Only those appropriate uses listed in 17 Ill. Adm. Code Part 3708 will be allowed. The approved appropriate uses are as follows:
- (i) Flood control structures, dikes, dams and other public works or private improvements relating to the control of drainage, flooding, erosion, or water quality or habitat for fish and wildlife;
  - (ii) Structures or facilities relating to the use of, or requiring access to, the water or shoreline, such as pumping and treatment facilities, and facilities and improvements related to recreational boating, commercial shipping and other functionally water-dependent uses;
  - (iii) Storm and sanitary sewer relief outfalls;
  - (iv) Underground and overhead utilities;
  - (v) Recreational facilities such as playing fields and trail systems, including any related fencing (at least fifty percent open when viewed from any one direction) built parallel to the direction of flood flows, and including open air

- pavilions and toilet facilities (four stall maximum) that will not block flood flows nor reduce floodway storage;
- (vi) Detached garages, storage sheds, or other non-habitable accessory structures that will not block flood flows nor reduce floodway storage;
  - (vii) Bridges, culverts, roadways, sidewalks, railways, runways and taxiways and any modification thereto;
  - (viii) Parking lots built at or below existing grade where either:
    - a. The depth of flooding at the one-hundred-year frequency flood event will not exceed 1.0 foot, or
    - b. The applicant of a short-term recreational use facility parking lot, formally agrees to restrict access during overbank flooding events and accepts liability for all damage caused by vehicular access during all overbank flooding events;
  - (ix) Designated floodway regrading, without fill, to create a positive non-erosive slope toward a watercourse;
  - (x) Floodproofing activities to protect previously existing lawful structures including the construction of watertight window wells, elevating structures, or construction of floodwalls around residential, commercial or industrial principal structures where the outside toe of the floodwall shall be no more than ten feet away from the exterior wall of the existing structure, and, which are not considered substantial improvements to the structure;
  - (xi) The replacement, reconstruction, or repair of a damaged building, provided that the outside dimensions are not increased, and if the building was damaged to fifty percent or more of the market value before the damage occurred, the building will be protected from flooding to the flood protection elevation;
  - (xii) Modifications to an existing building that would not increase the enclosed floor area of the building below the one-hundred-year frequency flood elevation, and which will not block flood flows including but not limited to, fireplaces, bay windows, decks, patios, and second story additions. If the building is improved to fifty percent or more of the market value before the modification occurred (i.e., a substantial improvement), the building will be protected from flooding to the flood protection elevation.
- (B) Appropriate uses do not include the construction or placement of any new structures, fill, building additions, buildings on stilts, excavation or channel modifications done to accommodate otherwise non-appropriate uses in the floodway, fencing (including landscaping or planting designed to act as a fence) and storage of materials except as specifically defined above as an appropriate use.
- (C) Within the designated floodway as identified on the floodway maps designated by IDNR/OWR, the construction of an appropriate use, will be considered permissible

provided that the proposed project meets the following engineering and mitigation criteria and is so stated in writing with supporting plans, calculations and data by a registered professional engineer and provided that any structure meets the protection requirements of Section 14.20.090 of this chapter:

- (i) Preservation of Flood Conveyance, so as Not to Increase Flood Stages Upstream. For appropriate uses other than bridge or culvert crossings, on-stream structures or dams, all effective designated floodway conveyance lost due to the project will be replaced for all flood events up to and including the one-hundred-year frequency flood. In calculating effective designated floodway conveyance, the following factors shall be taken into consideration:
  - a. Designated floodway conveyance,  $K = (1.486/n) (AR^{2/3})$  where "n" is Manning's roughness factor, "A" is the effective flow area of the cross-section, and "R" is the ratio of the area to the wetted perimeter. (See Open Channel Hydraulics, Ven Te Chow, 1959, McGraw-Hill Book Company, New York).
  - b. The same Manning's "n" value shall be used for both existing and proposed conditions unless a recorded maintenance agreement with a federal, state, or local unit of government can assure the proposed conditions will be maintained or the land cover is changing from a vegetative to a non-vegetative land cover.
  - c. Transition sections shall be provided and used in calculations of effective designated floodway conveyance. The following expansion and contraction ratios shall be used unless an applicant's engineer can prove to IDNR/OWR through engineering calculations or model tests that more abrupt transitions may be used with the same efficiency:
    1. When water is flowing from a narrow section to a wider section, the water should be assumed to expand no faster than at a rate of one foot horizontal for every four feet of the flooded stream's length.
    2. When water is flowing from a wide section to a narrow section, the water should be assumed to contract no faster than at a rate of one foot horizontal for every one foot of the flooded stream's length.
    3. When expanding or contracting flows in a vertical direction, a minimum of one foot vertical transition for every ten feet of stream length shall be used.
    4. Transition sections shall be provided between cross-sections with rapid expansions and contractions and when meeting the designated floodway delineation on adjacent properties.
    5. All cross-sections used in the calculations shall be located perpendicular to flood flows.

- (ii) Preservation of Floodway Storage so as Not to Increase Downstream Flooding.
  - a. Compensatory storage shall be provided for any designated floodway storage lost due to the proposed work from the volume of fill or structures placed and the impact of any related flood control projects.
  - b. Compensatory storage for fill or structures shall be equal to at least 1.0 times the volume of floodplain storage lost.
  - c. Artificially created storage lost due to a reduction in head loss behind a bridge shall not be required to be replaced.
  - d. The compensatory designated floodway storage shall be placed between the proposed normal water elevation and the proposed one-hundred-year flood elevation. All designated floodway storage lost below the existing ten-year flood elevation shall be replaced below the proposed ten-year flood elevation. All designated floodway storage lost above the existing ten-year flood elevation shall be replaced above the proposed ten-year flood elevation. All such excavations shall be constructed to drain freely and openly to the watercourse.
  - e. If the compensatory storage will not be placed at the location of the proposed construction, the applicant's engineer shall demonstrate to IDNR/OWR through a determination of flood discharges and water surface elevations that the compensatory storage is hydraulically equivalent.
  - f. There shall be no reduction in floodway surface area as a result of a floodway modification, unless such modification is necessary to reduce flooding at existing structure.
- (iii) Preservation of Floodway Velocities so as Not to Increase Stream Erosion or Flood Heights.
  - a. For all appropriate uses, except bridges or culverts or on stream structures, the proposed work will not result in an increase in the average channel or designated floodway velocities or stage for all flood events up to and including the one-hundred-year frequency event.
  - b. In the case of bridges or culverts or on stream structures built for the purpose of backing up water in the stream during normal or flood flows, velocities may be increased at the structure site if scour, erosion and sedimentation will be avoided by the use of rip-rap or other design measures.
- (iv) Construction of New Bridges or Culvert Crossings and Roadway Approaches.
  - a. The proposed structure shall not result in an increase of upstream flood stages greater than 0.1 foot when compared to the existing conditions for all flood events up to and including the one-hundred-year frequency event;

or the upstream flood stage increases will be contained within the channel banks (or within existing vertical extensions of the channel banks) such as within the design protection grade of existing levees or flood walls or within recorded flood easements.

- b. If the proposed construction will increase upstream flood stages greater than 0.1 feet, the developer must contact IDNR/OWR to obtain a permit for a dam or waiver.
  1. The engineering analysis of upstream flood stages must be calculated using the flood study flows, and corresponding flood elevations for tailwater conditions for the flood study specified in Section 14.20.050 of this chapter. Culverts must be analyzed using the U.S. DOT, FHWA Hydraulic Chart for the Selection of Highway Culverts. Bridges must be analyzed using the U.S. DOT/Federal Highway Administration Hydraulics of Bridge Waterways calculation procedures.
  2. Lost floodway storage must be compensated for per subsection (2) (C) (ii) of this section.
  3. Velocity increases must be mitigated per subsection (2) (C) (iii) of this section.
  4. If the crossing is proposed over a public water that is used for recreational or commercial navigation, an IDNR/OWR permit must be received.
  5. The hydraulic analysis for the backwater caused by the bridge showing the existing condition and proposed regulatory profile must be submitted to IDNR/OWR for concurrence that a CLOMR is not required by this subsection.
  6. All excavations for the construction of the crossing shall be designed per subsection (2) (C) (viii) of this section.
- (v) Reconstruction or Modification of Existing Bridges, Culverts, and Approach Roads.
  - a. The bridge or culvert and roadway approach reconstruction or modification shall be constructed with no more than 0.1 foot increase in backwater over the existing flood profile for all flood frequencies up to and including the one-hundred-year event, if the existing structure is not a source of flood damage.
  - b. If the existing bridge or culvert and roadway approach is a source of flood damage to buildings or structures in the upstream floodplain, the applicant's engineer shall evaluate the feasibility of redesigning the

structure to reduce the existing backwater, taking into consideration the effects on flood stages on upstream and downstream properties.

- c. The determination as to whether or not the existing crossing is a source of flood damage and should be redesigned must be prepared in accordance with 17 Ill. Adm. Code Part 3708 (Floodway Construction in Northeastern Illinois) and submitted to IDNR/OWR for review and concurrence before a permit is issued.

(vi) On-Stream Structures Built for the Purpose of Backing Up Water.

- a. Any increase in upstream flood stages greater than 0.0 foot when compared to the existing conditions, for all flood events up to and including the one-hundred-year frequency event shall be contained within the channel banks (or within existing vertical extensions of the channel banks) such as within the design protection grade of existing levees or flood walls or within recorded flood easements.
- b. A permit or letter indicating a permit is not required must be obtained from IDNR/OWR for any structure built for the purpose of backing up water in the stream during normal or flood flow.
- c. All dams and impoundment structures as defined in Section 14.20.020 shall meet the permitting requirements of 17 Ill. Adm. Code Part 3702 (Construction and Maintenance of Dams). If the proposed activity involves a modification of the channel or floodway to accommodate an impoundment, it shall be demonstrated that:
  - 1. The impoundment is determined to be in the public interest by providing flood control, public recreation, or regional storm water detention;
  - 2. The impoundment will not prevent the migration of indigenous fish species, which require access to upstream areas as part of their life cycle, such as for spawning;
  - 3. The impoundment will not cause or contribute to degraded water quality or habitat conditions. Impoundment design should include gradual bank slopes, appropriate bank stabilization measures, and a pre-sedimentation basin;
  - 4. A nonpoint source control plan has been implemented in the upstream watershed to control the effects of sediment runoff as well as minimize the input of nutrients, oil and grease, metals, and other pollutants. If there is more than one municipality in the upstream watershed, the municipality in which the impoundment is constructed should coordinate with upstream municipalities to ensure comprehensive watershed control;

5. The project otherwise complies with the requirements of this section.

(vii) Floodproofing of Existing Habitable, Residential and Commercial Structures.

- a. If construction is required beyond the outside dimensions of the existing building, the outside perimeter of the flood proofing construction shall be placed no further than ten feet from the outside of the building.
- b. Compensation of lost storage and conveyance will not be required for flood proofing activities.

(viii) Excavation in the Floodway.

- a. When excavation is proposed in the design of bridges and culvert openings, including the modifications to and replacement of existing bridge and culvert structures, or to compensate for lost conveyance or other appropriate uses, transition sections shall be provided for the excavation.
- b. The following expansion and contraction ratios shall be used unless an applicant's engineer can prove to IDNR/OWR through engineering calculations or model tests that more abrupt transitions may be used with the same efficiency:
  1. When water is flowing from a narrow section to a wider section, the water should be assumed to expand no faster than at a rate of one foot horizontal for every four feet of the flooded stream's length;
  2. When water is flowing from a wide section to a narrow section, the water should be assumed to contract no faster than at a rate of one foot horizontal for every one foot of the flooded stream's length; and
  3. When expanding or contracting flows in a vertical, a minimum of one foot vertical transition for every ten feet of stream length shall be used;
  4. Erosion/scour protection shall be provided inland upstream and downstream of the transition sections.

(ix) If the proposed activity involves a channel modification, it shall be demonstrated that:

- a. There are no practicable alternatives to the activity which would accomplish its purpose with less impact to the natural conditions of the body of water affected. Possible alternatives include levees, bank stabilization, flood proofing of existing structures, removal of structures from the floodplain, clearing the channel, high flow channel, or the establishment of a stream side buffer strip or green belt. Channel modification is acceptable if the purpose is to restore natural conditions and improve water quality and fish and wildlife habitat;

- b. Water quality, habitat, and other natural functions would be significantly improved by the modification and no significant habitat area may be destroyed, or the impacts are offset by the replacement of an equivalent degree of natural resource values;
- c. The activity has been planned and designed and will be constructed in a way which will minimize its adverse impacts on the natural conditions of the body of water affected, consistent with the following criteria:
  - 1. The physical characteristics of the modified channel shall match as closely as possible those of the existing channel in length, cross-section, slope and sinuosity. If the existing channel has been previously modified, restoration of more natural physical conditions should be incorporated into channel modification design, where practical.
  - 2. Hydraulically effective transitions shall be provided at both the upstream and downstream ends of the project, designed such that they will prevent erosion.
  - 3. One-sided construction of a channel shall be used when feasible. Removal of streamside (riparian) vegetation should be limited to one side of the channel, where possible, to preserve the shading and stabilization effects of the vegetation.
  - 4. Clearing of stabilizing vegetation shall be limited to that which is essential for construction of the channel.
  - 5. Channel banks shall be constructed with a side slope no steeper than 3:1 horizontal to vertical, wherever practicable. Native vegetation and gradual side slopes are the preferred methods for bank stabilization. Where high velocities or sharp bends necessitate the use of alternative stabilization measures, soil bioengineering techniques, natural rock or rip-rap are preferred approaches. Artificial materials such as concrete, gabions, or construction rubble should be avoided unless there are no practicable alternatives.
  - 6. All disturbed areas associated with the modification shall be seeded or otherwise stabilized as soon as possible upon completion of construction. Erosion blanket or an equivalent material shall be required to stabilize disturbed channel banks prior to establishment of the vegetative cover.
  - 7. If the existing channel contains considerable bottom diversity such as deep pools, riffles, and other similar features, such features shall be provided in the new channel. Spawning and nesting areas and flow characteristics compatible with fish habitat shall also be established, where appropriate.

8. A sediment basin shall be installed at the downstream end of the modification to reduce sedimentation and degradation of downstream water quality.
  9. New or relocated channels should be built in the dry and all items of construction, including vegetation, should be completed prior to diversion of water into the new channel.
  10. There shall be no increases in stage or velocity as the channel enters or leaves the project site for any frequency flood unless necessitated by a public flood control project or unless such an increase is justified as part of a habitat improvement or erosion control project.
  11. Unless the modification is for a public flood control project, there shall be no reduction in the volume of floodwater storage outside the floodway as a result of the modification; and
- d. The project otherwise complies with the requirements of this section.
- (x) Seeding and Stabilization Plan. For all activities located in a floodway, a seeding and stabilization plan shall be submitted by the applicant.
- (xi) Soil Erosion and Sedimentation Measures. For all activities in the floodway, including grading, filling, and excavation, in which there is potential for erosion of exposed soil, soil erosion and sedimentation control measures shall be employed consistent with the following criteria:
- a. The construction area shall be minimized to preserve the maximum vegetation possible. Construction shall be scheduled to minimize the time soil is exposed and unprotected. In no case shall the existing natural vegetation be destroyed, removed, or disturbed more than fifteen days prior to the initiation of improvements.
  - b. Temporary and/or permanent soil stabilization shall be applied to denuded areas as soon as possible. As a minimum, soil stabilization shall be provided within fifteen days after final grade is reached on any portion of the site, and within fifteen days to denuded areas which may not be at final grade but will remain undisturbed for longer than sixty days.
  - c. Sedimentation control measures shall be installed before any significant grading or filling is initiated on the site to prevent the movement of eroded sediments off-site or into the channel. Potential sediment control devices include filter fences, straw bale fences, check dams, diversion ditches, and sediment traps and basins.
  - d. A vegetated buffer strip of at least twenty-five feet in width shall be preserved and/or reestablished, where possible, along existing channels (see subsection (2)(C)(xvi) of this section). Construction vehicle use of channels shall be minimized. Temporary stream crossings shall be

constructed, where necessary, to minimize erosion. Necessary construction in or along channels shall be restabilized immediately.

- e. Soil erosion and sedimentation control measures shall be designed and implemented consistent with "Procedures and Standards for Urban Soil Erosion and Sedimentation Control in Illinois" (1988) also known as the "Green Book" and "The Illinois Urban Manual" (NRCS, 1995).

(xii) Public Flood Control Projects. For public flood control projects, the permitting requirements of this section will be considered met if the applicant can demonstrate to IDNR/OWR through hydraulic and hydrologic calculations that the proposed project will not singularly or cumulatively result in increased flood heights outside the project right-of-way or easements for all flood events up to and including the one-hundred-year frequency event.

(xiii) General Criteria for Analysis of Flood Elevations.

- a. The flood profiles, flows and floodway data in the designated floodway study, referenced in Section 14.20.050, must be used for analysis of the base conditions. If the study data appears to be in error or conditions have changed, IDNR/OWR shall be contacted for approval and concurrence on the appropriate base conditions data to use.
- b. If the one-hundred-year designated floodway elevation at the site of the proposed construction is affected by backwater from a downstream receiving stream with a larger drainage area, the proposed construction shall be shown to meet:
  - 1. The requirements of this section for the one-hundred-year frequency flood elevations of the designated floodway conditions; and
  - 2. Conditions with the receiving stream at normal water elevations.
- c. If the applicant learns from IDNR/OWR, local governments, or a private owner that a downstream restrictive bridge or culvert is scheduled to be removed, reconstructed, modified, or a regional flood control project is scheduled to be built, removed, constructed or modified within the next five years, the proposed construction shall be analyzed and shown to meet the requirements of this section for both the existing conditions and the expected flood profile conditions when the bridge, culvert or flood control project is built.

(xiv) Conditional Letter of Map Revision.

- a. If the appropriate use would result in a change in the designated floodway location or the one-hundred-year frequency flood elevation, the applicant shall submit to IDNR/OWR and FEMA all information, calculations and documents necessary to be issued a conditional designated floodway map

revision and receive from IDNR/OWR a conditional concurrence of the designated floodway change before a permit is issued.

- b. The final designated floodway map will not be changed by FEMA until as-built plans or record drawings of initial filling, grading, dredging, or excavating activities are submitted and accepted by FEMA and IDNR/OWR.
- c. In the case of non-government projects, the municipality in incorporated areas and the county in unincorporated areas shall concur with the proposed conditional designated floodway map revision before IDNR/OWR approval can be given.
- d. No filling, grading, dredging or excavating shall take place until a conditional approval is issued.
- e. After initial filling, grading, dredging or excavating, no activities shall take place until a final letter of map revision (LOMR) is issued by FEMA with concurrence from IDNR/OWR.

(xv) Professional Engineer's Supervision. All engineering analyses shall be performed by or under the supervision of a registered professional engineer.

(xvi) For all activities in the floodway involving construction within twenty-five feet of the channel, the following criteria shall be met:

- a. A natural vegetation buffer strip shall be preserved within at least twenty-five feet of the ordinary high water mark of the channel.
- b. Where it is impossible to protect this buffer strip during the construction of an appropriate use, a vegetated buffer strip shall be established upon completion of construction.

(xvii) After receipt of conditional approval of the designated floodway change and issuance of a permit and a conditional letter of map revision, construction as necessary to change the floodway designation may proceed but no buildings or structures or other construction that is not an appropriate use may be placed in that area until the designated floodway map is changed and a final letter of map revision is received. The designated floodway map will be revised upon acceptance and concurrence by IDNR/OWR and FEMA of the "as-built" plans.

(D) Development Activities in Delegated Communities Requiring State Review. "Not Applicable."

(E) Other Permits.

- (i) In addition to the other requirements of this chapter, a development permit for a site located in a floodway shall not be issued unless the applicant first obtains a permit or written documentation that a permit is not required from IDNR/OWR, issued pursuant to 615 ILCS 5/5 et seq.

- (ii) No permit from IDNR/OWR shall be required if IDNR/OWR has delegated this responsibility to the village.
- (F) Permits for Dams.
- (i) Any work involving the construction, modification or removal of a dam as defined in Section 14.20.020 per 17 Ill. Adm. Code Part 3702 (Rules for Construction of Dams) shall obtain an IDNR/OWR permit prior to the start of construction of a dam.
  - (ii) If the building commissioner finds a dam that does not have an IDNR/OWR permit, the building commissioner shall immediately notify the IDNR/OWR Schaumburg office.
  - (iii) If the building commissioner finds a dam which is believed to be in unsafe condition, the building commissioner shall immediately notify the owner of the dam, the IDNR/OWR Schaumburg office, and the Illinois Emergency Management Agency (IEMA).
- (G) Activities that Do Not Require a Registered Professional Engineer's Review. The following activities may be permitted without a registered professional engineer's review. Such activities shall still meet the other requirements of this chapter, including the mitigation requirements.
- (i) Underground and overhead utilities that:
    - a. Do not result in any increase in existing ground elevations; or
    - b. Do not require the placement of aboveground structures in the floodway; or
    - c. In the case of underground stream crossings, the top of the pipe or encasement is buried a minimum of three feet below the existing streambed; and
    - d. Overhead utility lines shall be constructed above the estimated one-hundred-year frequency flood elevation or attached above the low chord of an existing bridge (with the permission of the bridge owner). No supporting towers shall be placed in the watercourse and shall be designed so as to not catch debris;
    - e. Disturbance of streamside vegetation shall be kept to minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including the stream banks shall be restored to their original contours and seeded or otherwise stabilized upon completion of construction;
    - f. A utility crossing carrying material which may cause water pollution as defined by the Environmental Protection Act 415 ILCS 5 (1992 State Bar Edition) shall be provided with shut-off valves on each side of the body of water to be crossed;



#### **14.20.080 Occupation and use of SFHA areas where floodways are not identified.**

In SFHA or floodplains, (including AE, AH, AO and unnumbered A zones) where no floodways have been identified and no base flood or one-hundred-year frequency flood elevations have been established by FEMA, and draining more than a square mile, no development shall be permitted unless the cumulative effect of the proposals, when combined with all other existing and anticipated uses and structures, shall not significantly impede or increase the flow and passage of the floodwaters nor significantly increase the base flood or one-hundred-year frequency flood elevation.

(1) Development Permit.

- (A) No person, firm, corporation, or governmental body, not exempted by state law, shall commence any development in a SFHA or floodplain without first obtaining a development permit from the building commissioner.
- (B) Application for a development permit shall be made on a form provided by the building commissioner.
  - (i) The application shall be accompanied by drawings of the site, drawn to scale showing property line dimensions; and existing grade elevations and all changes in grade resulting from excavation or filling, sealed by a licensed engineer, architect or surveyor; the location and dimensions of all buildings and additions to buildings; and the elevations of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 14.20.090 of this chapter.
  - (ii) The application for a development permit shall also include the following information:
    - a. A detailed description of the proposed activity, its purpose, and intended use;
    - b. Site location (including legal description) of the property, drawn to scale, on the designated floodway maps, indicating whether it is proposed to be in an incorporated or unincorporated area;
    - c. Anticipated dates of initiation and completion of activity;
    - d. Plans of the proposed activity shall be provided which include as a minimum:
      - 1. A vicinity map showing the site of the activity, name of the waterway, boundary lines, names of roads in the vicinity of the site, graphic or numerical scale, and north arrow,
      - 2. A plan view of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the structure or work, elevations in mean sea level (1929 adjustment) datum or N.G.V.D., adjacent property lines and ownership, drainage

and flood control easements, distance between proposed activity and navigation channel (when the proposed construction is in or near a commercially navigable body of water), floodplain limit, location and orientation of cross-sections, north arrow, and a graphical or numerical scale,

3. Cross-section views of the project perpendicular to the flow of floodwater and engineering study reach showing existing and proposed conditions including principal dimensions of the work as shown in plan view, existing and proposed elevations, normal water elevation, ten-year frequency flood elevation, one-hundred-year frequency flood elevation, and graphical or numerical scales (horizontal and vertical), and
4. A soil erosion and sedimentation control plan for disturbed areas. This plan shall include a description of the sequence of grading activities and the temporary sediment and erosion control measures to be implemented to mitigate their effects. This plan shall also include a description of final stabilization and revegetation measures, and the identification of a responsible party to ensure post-construction maintenance;

(iii) Engineering calculations and supporting data shall be submitted showing that the proposed work will meet the criteria of subsection (2) of this section;

(iv) Any and all other federal, state, and local permits or approvals that may be required for this type of development.

(C) Based on the best available existing data according to the Illinois State Water Survey's Floodplain Information Repository, the building commissioner shall compare the elevation of the site to the base flood or one-hundred-year frequency flood elevation.

(i) Should no elevation information exist for the site, the developer's engineer shall calculate the elevation according to Section 14.20.050(e).

(ii) Any development located on land that can be shown to have been higher than the base flood elevation of the current flood insurance rate map identification is not in the SFHA and, therefore, not subject to the requirements of this chapter.

(iii) The building commissioner shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first flood insurance rate map identification.

(D) The building commissioner shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits, approvals or permit-not-required letters that may be required for this type of activity. The building commissioner

shall not issue the development permit unless all required federal, state, and local permits have been obtained.

(2) Preventing Increased Damages.

- (A) No development in the SFHA, where a floodway has not been determined shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health, safety and welfare or impair the natural hydrologic and hydraulic functions of the floodway or channel, or impair existing water quality or aquatic habitat. Construction impacts shall be minimized by appropriate mitigation methods as called for in this chapter.
- (B) Within all riverine SFHA's where the floodway has not been determined, the following standards shall apply:
  - (i) The developer shall have a registered professional engineer state in writing and show through supporting plans, calculations, and data that the project meets the engineering requirements of Section 14.20.070(2)(C)(i) through (xii) for the entire floodplain as calculated under the provisions of Section 14.20.050(e) of this chapter.
    - a. As an alternative, the developer should have an engineering study performed to determine a floodway and submit that engineering study to IDNR/OWR for acceptance as a designated floodway.
    - b. Upon acceptance of the floodway by IDNR/OWR, the developer shall then demonstrate that the project meets the requirements of Section 14.20.070 for the designated floodway. The floodway shall be defined according to the definition in Section 14.20.020 of this chapter.
  - (ii) A development permit shall not be issued unless the applicant first obtains a permit from IDNR/OWR or written documentation that a permit is not required from IDNR/OWR.
  - (iii) No permit from IDNR/OWR shall be required if IDNR/OWR has delegated permit responsibility to the village per 17 Ill. Adm. Code Part, Part 3708 for designated floodways.
  - (iv) Permits for Dams.
    - a. Any work involving the construction, modification or removal of a dam as defined in Section 14.20.020 per 17 Ill. Adm. Code Part 3702 (Rules for Construction of Dams) shall obtain an IDNR/OWR permit prior to the start of construction of a dam.
    - b. If the building commissioner finds a dam that does not have an IDNR/OWR permit, the building commissioner shall immediately notify the IDNR/OWR Schaumburg office.
    - c. If the building commissioner finds a dam which is believed to be in unsafe condition, the building commissioner shall immediately notify the owner

of the dam, the IDNR/OWR Schaumburg office, and the Illinois Emergency Management Agency (IEMA).

(C) The following activities may be permitted without a registered professional engineer's review or calculation of a base flood elevation and designated floodway. Such activities shall still meet the other requirements of this chapter:

(i) Underground and overhead utilities that:

- a. Do not result in any increase in existing ground elevations, or
- b. Do not require the placement of above ground structures in the floodway, or
- c. In the case of underground stream crossings, the top of the pipe or encasement is buried a minimum of three feet below the existing streambed, and
- d. Overhead utility lines shall be constructed above the estimated one-hundred-year frequency flood elevation or attached above the low chord of an existing bridge (with the permission of the bridge owner). No supporting towers shall be placed in the watercourse and shall be designed so as to not catch debris,
- e. Disturbance of streamside vegetation shall be kept to minimum during construction to prevent erosion and sedimentation,
- f. A utility crossing carrying material which may cause water pollution as defined by the Environmental Protection Act 415 ILCS 5 (1992 State Bar Edition) shall be provided with shut-off valves on each side of the body of water to be crossed,
- g. All Illinois Commerce Commission, National Electric Safety Codes, and federal requirements for clearance must be met;

(ii) Storm and sanitary sewer relief outfalls that:

- a. Do not extend riverward or lakeward of the existing adjacent natural bank slope, and
- b. Do not result in an increase in ground elevation, and
- c. Are designed so as not to cause stream erosion at the outfall location;

(iii) Construction of shoreline and stream bank protection that:

- a. Does not exceed one thousand feet in length.
- b. Materials are not placed higher than the existing top of bank.
- c. Materials are placed so as not to reduce the cross-sectional area of the stream channel by more than ten percent.

- d. Stabilization utilizing native vegetation and gradual side slopes are the preferred mitigation methods for existing erosion problems. Where high channel velocities, sharp bends or wave action necessitate the use of alternative stabilization measures, soil bioengineering techniques, natural rock or rip-rap are preferred materials. Artificial materials such as concrete, construction rubble, and gabions should be avoided unless there are no practicable alternatives;
- (iv) Temporary stream crossings in which:
    - a. The approach roads will be one-half foot or less above natural grade.
    - b. The crossings will allow stream flow to pass without backing up the water above the stream bank vegetation line or above any drainage tile or outfall invert.
    - c. The top of the roadway fill in the channel will be at least two feet below the top of the lowest bank. Any fill in the channel shall be non-erosive material, such as rip-rap or gravel.
    - d. All disturbed stream banks will be seeded or otherwise stabilized as soon as possible upon installation and again upon removal of construction.
    - e. The access road and temporary crossings will be removed within one year after authorization;
  - (v) The construction of light poles, sign posts and similar structures;
  - (vi) The construction of sidewalks, driveways, athletic fields (excluding fences), patios and similar surfaces which are built at grade;
  - (vii) The construction of properly anchored, unwalled, open structures such as playground equipment, pavilions, and carports built at or below existing grade that would not obstruct the flow of floodwaters;
  - (viii) The placement of properly anchored buildings not exceeding seventy square feet in size, nor ten feet in any one dimension (*e.g.*, animal shelters and tool sheds);
  - (ix) The construction of additions to existing buildings which do not increase the first floor area by more than twenty percent, which are located on the upstream or downstream side of the existing building, and which do extend beyond the sides of the existing building that are parallel to the flow of floodwaters;
  - (x) Minor maintenance dredging of a stream channel where:
    - a. The affected length of stream is less than one thousand feet,
    - b. The work is confined to reestablishing flows in natural stream channels, or
    - c. The cross-sectional area of the dredged channel conforms to that of the natural channel upstream and downstream of the site.

- (D) The flood-carrying capacity within any altered or relocated watercourse shall be maintained.
- (E) Compensatory Storage.
  - (i) Whenever any portion of a floodplain is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the base flood or one-hundred-year frequency flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood or one-hundred-year frequency flood elevation.
  - (ii) The excavation volume shall be at least equal to 1.0 times the volume of storage lost due to the fill or structure.
  - (iii) In the case of streams and watercourses, such excavation shall be made opposite or adjacent to the areas so filled or occupied.
  - (iv) All floodplain storage lost below the existing ten-year flood elevation shall be replaced below the proposed ten-year flood elevation. All floodplain storage lost above the existing ten-year flood elevation shall be replaced above the proposed ten-year flood elevation. All such excavations shall be constructed to drain freely and openly to the watercourse.

#### **14.20.090 Permitting requirements applicable to all floodplain areas.**

In addition to the requirements found in Sections 14.20.060 through 14.20.080 for development in flood fringes, designated floodways, and SFHA or floodplains where no floodways have been identified (Zones A, AO, AH, AE, A1-A30, A99, VO, V1-30, VE, V, M, E, or D), the following requirements shall be met.

##### **(1) Public Health Standards.**

- (A) No developments in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, animal wastes, fertilizers, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation (FPE).
- (B) Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.
- (C) Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- (D) New and replacement water supply systems, wells, sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other above ground openings located below the FPE are watertight.

##### **(2) Carrying Capacity and Notification.**

- (A) For all projects involving channel modification, fill, or stream maintenance (including levees), the flood-carrying capacity of the watercourse shall be maintained.
  - (B) In addition, the village shall notify adjacent communities in writing thirty days prior to the issuance of a permit for the alteration or relocation of the watercourse.
- (3) Protecting Buildings.
- (A) All buildings located within a one-hundred-year floodplain also known as a SFHA shall be protected from flood damage below the flood protection elevation. This building protection criteria applies to the following situations:
    - (i) Construction or placement of a new building valued at more than one thousand dollars or seventy square feet;
    - (ii) Substantial improvement to an existing building as defined in Section 14.20.020, including an increase to the first floor area by more than twenty percent. This alteration shall be figured cumulatively beginning with any alteration which has taken place subsequent to April 1, 1990;
    - (iii) Substantial damage to an existing building as defined in Section 14.20.020. This alteration shall be figured cumulatively beginning with any alteration which has taken place subsequent to April 1, 1990;
    - (iv) Repetitive loss to an existing building as defined in Section 14.20.020
    - (v) Installing a manufactured home on a new site or a new manufactured home on an existing site. This building protection requirements does not apply to returning a mobile home to the same site it lawfully occupied before it was removed to avoid flood damage; and
    - (vi) Installing a travel trailer on a site for more than one hundred eighty days per year.

This building protection requirement may be met by one of the following methods.

- (B) A residential or nonresidential building, when allowed, may be constructed on permanent land fill in accordance with the following:
  - (i) The lowest floor (including basement) shall be at or above the flood protection elevation.
  - (ii) Fill Requirements.
    - a. The fill shall be placed in layers no greater than six inches deep before compaction and should extend at least ten feet beyond the foundation of the building before sloping below the flood protection elevation.
    - b. The top of the fill shall be above the flood protection elevation. However, the ten-foot minimum may be waived if a structural engineer certifies an

alternative method to protect the building from damages due to hydrostatic pressures.

- c. The fill shall be protected against erosion and scour.
  - d. The fill shall not adversely affect the flow or surface drainage from or onto neighboring properties.
- (C) A residential or nonresidential building may be elevated in accordance with the following:
- (i) The building or improvements shall be elevated on crawl space, stilts, piles, walls, or other foundation that is permanently open to floodwaters and not subject to damage by hydrostatic pressures of the base flood or one-hundred-year frequency flood. Designs must either be certified by a registered professional engineer or architect or the permanent openings, one on each wall, shall be no more than one foot above existing grade, and consists of a minimum of two openings. The openings must have a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding below the base flood elevation.
  - (ii) The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as current, waves, ice and floating debris.
  - (iii) All areas below the flood protection elevation shall be constructed of materials resistant to flood damage.
    - a. The lowest floor (including basement) and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation.
    - b. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the flood protection elevation.
  - (iv) The areas below the flood protection elevation may only be used for the parking of vehicles, building access or storage in an area other than a basement and not later modified or occupied as habitable space.

When the building wall encloses open space that is below the base flood elevation, gravity storm and sanitary sewer connections are specifically prohibited and overhead sewers are required for the sanitary connections and sumps for the storm sewer connections.
  - (v) Manufactured homes, and travel trailers to be installed on a site for more than one hundred eighty days, shall be elevated to or above the flood protection elevation; and, shall be anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the rules and regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Ill. Adm. Code

Part 870. In addition, all manufactured homes shall meet the following elevation requirements:

- a. In the case of manufactured homes placed or substantially improved (1) outside of a manufactured home park or subdivision, (2) in a new manufactured home park or subdivision, (3) in an expansion to an existing manufactured home park or subdivision, or (4) in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage from a flood, the top of the lowest floor shall be elevated to or above the flood protection elevation.
  - b. In the case of manufactured homes placed or substantially improved in an existing manufactured home park or subdivision, the manufactured home shall be elevated so that either the top of the lowest floor is above the base flood elevation or the chassis is at least thirty-six inches in height above grade and supported by reinforced piers or other foundations of equivalent strength, whichever is less.
- (vi) Recreational vehicles or travel trailers shall be required to meet the elevation and anchoring requirements of subsection (3) (C) (v) of this section unless:
- a. They are on-site for fewer than one hundred eighty consecutive days; and
  - b. They are fully licensed, ready for highway use, and used only for recreation, camping, travel or seasonal use rather than as a permanent dwelling. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utility and service devices, and has no permanently attached additions.
- (D) Only a nonresidential building may be structurally dry flood proofed (in lieu of elevation) provided that:
- (i) A registered professional engineer or architect shall certify that the building has been structurally dry flood proofed below the flood protection elevation, the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood or one-hundred-year frequency flood.
  - (ii) The building design shall take into account flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and impacts from debris or ice.
  - (iii) Floodproofing measures shall be operable without human intervention and without an outside source of electricity (levees, berms, floodwalls and similar works are not considered flood proofing for the purpose of this subsection).
- (E) A building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:

- (i) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; and
  - (ii) Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than one square inch per one square foot of enclosed area. The openings shall be no more than one foot above grade; and
  - (iii) The interior grade of the crawlspace below the flood protection elevation must not be more than two feet below the lowest adjacent exterior grade; and
  - (iv) The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundation wall must not exceed four feet at any point; and
  - (v) An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event; and
  - (vi) Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage; and
  - (vii) Utility systems within the crawlspace must be elevated above the flood protection elevation.
- (F) Critical facilities shall be protected to the five hundred-year flood elevation. In addition, all ingress and egress from any critical facility must be protected to the five hundred-year flood elevation.
- (G) Tool sheds, detached garages, and other minor accessory structures on an existing single-family platted lot, may be constructed with the lowest floor below the flood protection elevation in accordance with the following:
- (i) The building is not used for human habitation.
  - (ii) All areas below the base flood or one-hundred-year frequency flood elevation shall be constructed with waterproof material. Structures located in a designated floodway shall be constructed and placed on a building site so as not to block the flow of floodwaters and shall also meet the appropriate use criteria of Section 14.20.070. In addition, all other requirements of Sections 14.20.060 through 14.20.080 must be met.
  - (iii) The structure shall be anchored to prevent flotation.
  - (iv) Service facilities such as electrical and heating equipment shall be elevated or flood proofed to the flood protection elevation.
  - (v) The building shall be valued at less than twenty thousand dollars and be less than five hundred seventy-six square feet in floor size.

- (vi) The building shall be used only for the storage of vehicles or tools and may not contain other rooms, workshops, greenhouses or similar uses.
  - (vii) The building shall meet the permanent opening criteria of subsection (3) (C) (i) of this section.
- (H) Existing buildings located within a designated floodway shall also meet the more restrictive appropriate use standards included in Section 14.20.070. Nonconforming structures located in a designated floodway may remain in use and may only be enlarged, replaced or structurally altered in accordance with Section 14.20.070(2). A nonconforming structure damaged by flood, fire, wind or other natural or man-made disaster may be restored unless the damage exceeds fifty percent of its market value before it was damaged, in which case it shall conform to this chapter.

#### **14.20.100 Other development requirements.**

The board of trustees shall take into account flood hazards, to the extent that they are known in all official actions related to land management, use and development.

- (1) New subdivisions, manufactured home parks, annexation agreements, and planned unit developments (PUDs) within the SFHA shall be reviewed to assure that the proposed developments are consistent with Sections 14.20.060 through 14.20.090 of this chapter and the need to minimize flood damage. Plats or plans for new subdivisions, mobile home parks and planned unit developments (PUDs) shall include a signed statement by a registered professional engineer that the plat or plans account for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 205/2).
- (2) Proposals for new subdivisions, manufactured home parks, travel trailer parks, planned unit developments (PUDs) and additions to manufactured home parks and additions to subdivisions shall include base flood or one-hundred-year frequency flood elevation data and floodway delineations.
  - (A) Where this information is not available from an existing study filed with the Illinois State Water Survey, the applicant's engineer shall be responsible for calculating the base flood or one-hundred-year frequency flood elevation per Section 14.20.050(e) and the floodway delineation per the definition in Section 14.20.020
  - (B) The applicant's engineer shall submit the data to IDNR/OWR for review and approval as best available regulatory data and then send it to the State Water Survey.
- (3) Streets, blocks, lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible, the floodplains shall be included within parks or other public grounds.
- (4) The board of trustees shall not approve any planned unit development (PUD) or plat of subdivision located outside the corporate limits unless such agreement or plat is in accordance with the provisions of this chapter.

- (5) All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.

#### **14.20.110 Variances.**

- (a) No variances shall be granted to any development located in a designated floodway as defined in Section 14.20.020
  - (1) However, when a development proposal is located outside of a regulatory floodway, and the standards of this chapter place undue hardship on a specific development proposal, the applicant may apply to the board of trustees for a variance.
  - (2) The board of trustees shall review the applicant's request for a variance and shall submit its recommendation to the board of trustees.
- (b) No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:
  - (1) The development activity cannot be located outside the SFHA;
  - (2) An exceptional hardship would result if the variance were not granted;
  - (3) The relief requested is the minimum necessary;
  - (4) There will be no additional threat to public health, safety, beneficial stream uses and functions, especially aquatic habitat, or creation of a nuisance;
  - (5) There will be no additional public expense for flood protection, lost environmental stream uses and functions, rescue or relief operations, policing, or repairs to streambeds and banks, roads, utilities, or other public facilities;
  - (6) The provisions of Sections 14.20.060(2) and 14.20.080(2) of this chapter shall still be met;
  - (7) The activity is not in a designated floodway;
  - (8) The applicant's circumstances are unique and do not represent a general problem; and
  - (9) The granting of the variance will not alter the essential character of the area involved including existing stream uses.
- (c) The building commissioner shall notify an applicant in writing that a variance from the requirements of Section 14.20.090 that would lessen the degree of protection to a building will:
  - (1) Result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars per one hundred dollars of insurance coverage;
  - (2) Increase the risks to life and property; and
  - (3) Require that the applicant proceed with knowledge of these risks and that he will acknowledge in writing that he assumes the risk and liability.

- (d) Variances requested in connection with restoration of a historic site or historic structure as defined in Section 14.20.020 "Historic structures," may be granted using criteria more permissive than the requirements of subsections (b) and (c) of this section, subject to the conditions that:
  - (1) The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure; and
  - (2) The repair or rehabilitation will not result in the structure being removed as a certified historic structure.

#### **14.20.120 Disclaimer of liability.**

- (a) The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study.
- (b) Larger floods may occur or flood heights may be increased by man-made or natural causes.
- (c) This chapter does not imply that development, either inside or outside of the SFHA, will be free from flooding or damage.
- (d) This chapter does not create liability on the part of the village or any officer or employee thereof for any flood damage that results from reliance on this chapter or any administrative decision made lawfully thereunder.

#### **14.20.130 Penalty.**

Failure to comply with the requirements of a permit or conditions of a variance resolution shall be deemed to be a violation of this chapter. Upon due investigation, the building commissioner may determine that a violation of the minimum standards of this chapter exist. The building commissioner shall notify the owner in writing of such violation.

- (1) If such owner fails after ten days' notice to correct the violation:
  - (A) The village may make application to the circuit court for an injunction requiring conformance with this chapter or make such other order as the court deems necessary to secure compliance with the chapter.
  - (B) Any person who violates this chapter shall, upon conviction thereof, be fined not less than fifty dollars or more than one thousand dollars for each offense.
  - (C) A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.
  - (D) The village shall record a notice of violation on the title to the property.
- (2) The building commissioner shall inform the owner that any such violation is considered a willful act to increase flood damages and, therefore, may cause coverage by a standard flood insurance policy to be suspended.

- (A) The building commissioner is authorized to issue an order requiring the suspension of the subject development. The stop-work order shall be in writing, shall indicate the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop-work order. The stop-work order constitutes a suspension of the permit.
- (B) No site development permit shall be permanently suspended or revoked until a hearing is held by the board of appeals. Written notice of such hearing shall be served on the permittee and shall state: (1) the grounds for compliance or reasons for suspension or revocation; and (2) the time and place of the hearing. At such hearing, the permittee shall be given an opportunity to present evidence on his/her behalf. At the conclusion of the hearing, the board of appeals shall determine whether the permit shall be suspended or revoked.
- (3) Nothing herein shall prevent the village from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

**14.20.140 Abrogation and greater restrictions.**

- (a) This chapter is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions.
- (b) Where this chapter and other ordinance, easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (c) This chapter is intended to repeal the original ordinance or resolution which was adopted to meet the national flood insurance program regulations, but is not intended to repeal the resolution which the village passed in order to establish initial eligibility for the program.

(Ord. 05-1668 (part), 2005)

**14.20.150 Severability.**

The provisions and sections of this chapter shall be deemed severable and the invalidity of any portion of this chapter shall not affect the validity of the remainder.

**14.20.160 Effective date.**

This chapter shall be in full force and effect from and after its passage and approval and publication, as required by law.

## **Chapter 14.24 INTERNATIONAL SWIMMING POOL AND SPA CODE 2012**

### **Sections:**

14.24.010 Adoption.

14.24.020 Modification - Insertions, additions, deletions and modifications.

### **14.24.010 Adoption.**

The International Swimming Pool and Spa Code 2012, as published by the International Code Council, Inc., be and the same is hereby adopted. Three copies of said document are on file in the office of the village clerk of the Village of Westchester, Cook County, State of Illinois. Each and all of the regulations, provisions, penalties, conditions and terms of the International Swimming Pool and Spa Code, are hereby referred to, adopted and made a part hereof as if fully set out in this chapter, with the insertions, additions, deletions and modifications as prescribed in this chapter.

### **14.24.020 Modifications (Insertions, additions, deletions and modifications):**

(a) The following sections are revised:

Section 101.1. Insert: Village of Westchester

Section 106.5.1. Work commencing before permit issued: Delete this section in its entirety and amend to read:

Section 106.5.1. Work commencing before permit issued: Any person who commences work on a mechanical or fuel gas system before obtaining the necessary permits shall be subject to a fine not exceeding \$500.00 in addition to the required permit fees. The fine shall not exceed \$750.00 per day.

Section 106.5.2. Fee Schedule: Delete the contents of this section in its entirety and amend to read:

Section 106.5.2 Fee Schedule: The permit fees to be charged shall be determined as outlined in 14.01.110

Section 106.5.3. Fee Refunds #2: Insert "80%" where applicable.

Section 106.5.3. Fee Refunds #3: Insert "80%" where applicable.

Section 107.4. Insert: "Misdemeanor, \$500.00, six (6) months" where applicable. The fine shall not exceed \$750.00 per day.

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Section 107.5. Insert: "\$25.00 and \$750.00" where applicable. The fine shall not exceed \$750.00 per day.

Section 108 Delete the text in its entirety and insert: See Title 14.01.060 for the Board of Appeals

#### Chapter 8 – Referenced Standards

Delete all references to the International Plumbing Code and insert the Illinois Plumbing Code 2014 Edition

### **Chapter 14.28 ELECTRICAL CODE**

#### **Sections:**

14.28.010 Adoption.

14.28.020 Modifications - Insertions, additions, deletions and modifications.

#### **14.28.010 Adoption.**

A certain document, three copies of which are on file in the office of the village clerk of the Village of Westchester, being marked and designated as the National Electric Code 2011, as published by the National Fire Protection Association, be and is adopted as the code of the Village of Westchester for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the improper installation of electric equipment and systems and from conditions hazardous to life or property in the occupancy of buildings and premises in the Village of Westchester and providing for the issuance of permits for electric systems; and each and all of the regulations, provisions, conditions and terms of such National Electric Code 2011, published by the National Fire Protection Association, on file in the office of the Village of Westchester are referred to, adopted and made a part hereof as if fully set out in this chapter.

#### **14.28.020 Modifications - Insertions, additions, deletions and modifications.**

The following sections are revised:

1. All electric wiring shall be copper. No aluminum or copper-clad aluminum wire shall be installed in any electric installation without written permission from the Building Official with the exception of service feeders owned by Commonwealth Edison.
2. A conduit shall be installed with a pull wire for the outside water meter. The conduit shall be installed within six feet of the water meter and run to the area by the gas meter, and flush with the outside finished wall. No pull box(es) or pulling type fittings shall be installed in this conduit system without the approval of the Public Works Department.

3. Delete Articles 320 – 340, 351, 362. All conductors shall be installed in an approved metal raceway. This requirement does not apply to approved wiring systems installed in temporary or portable office partition systems.
4. Electric Metallic tubing shall not be installed outside, underground or in concrete that is in contact with the earth.
5. All service shall be in rigid metallic conduit or intermediate metallic conduit.
6. Article 210.4D shall be amended to read as: All three phase 208v 240v systems shall have all phases marked black for phase A, red for phase B, and blue for phase C. All three phase 277 v or 480 v systems shall have the phases marked brown for phase A, orange for phase B and yellow for phase C.
7. 210.8 shall be amended to read for all structures
8. Delete Article 300.4 (A) (2) All holes will be bored.
9. Article 300-13 (B) shall read in branch circuits the continuity of a conductor shall not depend upon device connections, such as Lamp holders receptacle and the like, where removal of the device would interrupt continuity.
10. Article 450.21(A) shall read: Dry type transformers installed indoors shall be installed at a minimum height of 7 feet above the finished floor, (or) installed indoors shall have a physical separation of two feet vertically in all directions and 4 feet horizontally.
11. All motor of ½ horsepower or large, or any heating system, sump pumps and or ejector pumps shall be on their own circuit.
12. Each tenant space shall have direct access to the breakers or fuses that protect all electrical device in that tenant unit. Direct access means a common area that has no locks or the tenant can get to the panel or switchboard without going through another tenant space.
13. When a sump pump or ejector pump is installed in an area not illuminated, a light shall be installed.
14. All fire alarm system shall have a lock out device installed on the over current protection device.
15. If a low voltage fire alarm is used, wiring shall be piped in walls only.
16. Wiring
  - a. All wiring, fittings and electric materials not in use shall be removed.
  - b. All electric service shall have grounding bushing at both ends.
  - c. All service feed for new residential and nonresidential shall be underground.

17. GFCI receptacles

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- a. GFCI protection is required on recessed can lights above bathtubs and showers
  - b. Double basin bathroom sinks require GFCI receptacles on both ends within 36 inches of a basin
  - c. All bathroom GFCI outlets shall be on a separate circuit
  - d. GFCI type outlets shall be on all counter top outlets
18. All electric piping on the inside is required to be rigid conduit in the slab, PVC schedule 80 can be used outside.
19. Any electric equipment installed in the public right of way will require a permit and a signed waiver prior to installation.
20. Single and multiple family dwellings
- a. Stairways, hallways, passageways, corridors, garages and rooms accessible by more than one entry or exit shall be lit by a ceiling light or lights controlled by a three-way or four-way switch.
  - b. Storage spaces of more than 5 square feet shall be illuminated
  - c. In a dwelling unit over 2,500 square feet or large a 200 amp service shall be required. All dwelling units under 2,000 square feet shall have a minimum of a 100 amp service.
  - d. Service upgrades and/or service changes will require
    - 1). A minimum of a 100 amp service
    - 2).GFCI outlets will be required per NEC 2011
    - 3).115 volt smoke detectors will be installed per code
    - 4), No panel shall be more than 80% full
  - e. All attic fixtures shall be installed before the rough inspection
  - f. All light fixtures shall have at least one light bulb installed for the final inspection (Note per the IECC 50% of all installed fixtures shall have energy efficient bulbs.
  - g. All single family dwelling units shall have an electrically operated door bell.
  - h. Multi-family dwelling units shall have an electrically operated remote door latch switching system.
  - i. All garages (attached or detached) shall be required to be on their own circuits.

25. Residential storage garage and similar buildings.

a. Private or residential garages shall have not less than one ceiling light, one switch and one receptacle. The garage or building shall be on a separate circuit.

b. The electric feeder or branch circuit to the garage shall be underground (in threaded galvanized conduit not less than six inches below finished grade). If direct burial cable is used a non-current carrying bonding conductor shall be connected between the supply cabinet and the first junction box in the garage, and shall not be less than 24 inches below the finished grade. Conduit/cable run underground shall not be covered until inspected and approved by the electric inspector. If direct burial cable is used it shall be enclosed in threaded galvanized conduit where it bends to come up out of the trench. Bushings shall be used at the conduit end where the cable enters or exits the conduit.

**Chapter 14.36 FIRE PREVENTION CODE**

**Sections:**

14.36.010 Adoption.

14.36.015 Modifications - Insertions, additions, deletions and modifications.

14.36.020 Establishment and duties of bureau of fire prevention.

14.36.030 Definitions.

14.36.050 Establishment of limits of districts in which storage of flammable liquids in outside aboveground tanks is to be prohibited.

14.36.070 Establishment of motor vehicle routes for vehicles transporting explosives and blasting agents.

14.36.100 Establishment of standards of roof hatches for industry.

14.36.105 Mandatory connection of fire alarm services to village receiving equipment.

14.36.110 Establishment of smoke detectors in multifamily dwellings and combination dwelling/other use occupancy.

14.36.115 Hallway and stairway detectors.

14.36.120 Establishment of building plan review for new construction.

14.36.130 Amendments made in fire prevention code.

14.36.140 New materials, processes or occupancies which may require permits.

**14.36.010 Adoption.**

(a) A certain document, three copies of which are on file in the office of the village clerk of the Village of Westchester, being marked and designated as the International Fire Code 2012 , as published by the International Code Council, be and is adopted as the code of the Village

of Westchester for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the Village of Westchester and providing for the issuance of permits for hazardous uses or operations; and each and all of the regulations, provisions, conditions and terms of such International Fire Code, 2012 Edition, published by the International Code Council, on file in the office of the Village of Westchester are referred to, adopted and made a part hereof as if fully set out in this section.

**14.36.015 Modifications - Insertions, additions, deletions and modifications.**

The following sections are revised:

Section 101.1. Insert: Village of Westchester.

Section 108 Delete the text in its entirety and insert: See section 14.01.060 of Title 14 for the Board of Appeals

Section 109.4. Insert: "Misdemeanor", "\$750.00", "6 months" where applicable. The fine shall not exceed \$750.00 per day.

Section 111.4. Insert: "\$25.00" and "\$750.00" where applicable. The fine shall not exceed \$750.00 per day.

Section 307 OPEN BURNING: Delete in its entirety and amend to read:

Section 307 OPEN BURNING: NOT PERMITTED.

Section 903.2. thru Section 903.2.10.1 Automatic Sprinkler Systems: Delete the contents of these sections in their entirety and amend to read:

Section 903.2 Automatic Sprinkler Systems shall be installed and maintained in full operating condition as specified, in all parts of all buildings of all use groups.

Exceptions: Detached accessory structures, which comply with all of the following, do not require automatic fire sprinklers:

- a. Less than twenty five hundred (2,500) square feet in area
- b. Single story
- c. Not used as a dwelling or sleeping
- d. Not an High Hazard Group
- e. Not used for high hazard products or hazardous materials
- f. No basements
- g. Minimum separation to other buildings 20 feet or rated exterior walls as approved by the local official

Add Section 903.2.1 Existing Buildings:

- A. All existing commercial/industrial buildings that have a basement or are over 5,000 square feet shall have a code compliant sprinkler system installed within 24 months of the adoption of this ordinance with the following exceptions:
  - 1. Any building with an aggregate building area (all levels) of less than 5,000 square feet
  - 2. Buildings of use group R-3 and R-4 when two stories or less in height and otherwise in full compliance with the Westchester Fire Code.
  - 3. The above exceptions do not apply to buildings with basements
- B. The requirements for Automatic Sprinkler Systems in this Code shall be required in existing buildings upon change of use group or ownership in all buildings and in all basements with no 24 month delay

Section 903.3.5.2. Residential combination services: Delete this section in its entirety.

Section 907.2 Delete sections 907.2.1, 907.2.2, 907.2.3, 907.2.6, 907.2.7, 907.2.8, 907.2.9, 907.2.10 and insert the following:

A complete automatic fire alarm system with smoke detection and manual pull stations shall be provided in all use groups A, B, E, I, M and R within 24 months of the adoption of this ordinance. A change of ownership or group will trigger code compliance for fire alarms with no 24 month delay.

All existing multiple-family buildings more than 3 units or 3 stories or greater will require a complete fire alarm system with smoke detection and manual pull stations within 24 months of the adoption of this ordinance. A change of ownership or group will trigger code compliance for fire alarms with no 24 month delay.

Add Section 916.0. Key Box: When access to or within a structure or area is unduly difficult because of secured openings or where immediate access is necessary for lifesaving or firefighting purposes, the code official may require a key box to be installed in an accessible location. The key box shall be of a type approved by the code official and shall contain keys to gain necessary access as required by the code official.

Add Section 917.0 Supervision

Add Section 917.1. Fire suppression systems: Fire suppression systems shall be supervised by an approved remote station system of the jurisdiction in accordance with NFPA 72. When two or more fire protection/suppression systems are used in a building or structure, they shall all be connected to an approved remote supervised station of the jurisdiction.

Add Section 917.2 Fire alarm systems: All required fire alarm systems shall transmit alarm and trouble signals to an approved remote station system of the jurisdiction.

Section 5704.2.9.6.1 Not allowed without prior approval of the Building and Fire Code Official

Section 5706.2.4.4 Not allowed without prior approval of the Building and Fire Code Official

Section 5806.2 Not allowed without prior approval of the Building and Fire Code Official

Section 6104.2 Not allowed without prior approval of the Building and Fire Code Official

Section C105.1. Hydrant spacing: Delete this section in its entirety and amend to read:

Section C105.1: Hydrant spacing: The average spacing between fire hydrants shall not exceed 300 feet.

#### Chapter 80 – Referenced Standards

Delete all references to the International Plumbing Code and insert the Illinois Plumbing Code 2014 Edition

Appendices adopt the following appendices A, B, D, E, F, G, H, I, J

#### **14.36.020 Establishment and duties of bureau of fire prevention.**

- (a) The fire prevention code shall be enforced by the bureau of fire prevention in the fire department which is established and which shall be operated under the supervision of the chief of the fire department.
- (b) The chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary with the approval of the village manager. The chief of the fire department shall recommend to the village the employment of technical inspectors.
- (c) A report of the bureau of fire prevention shall be made annually and transmitted to the chief executive officer of the municipality; it shall contain all proceedings under this code, with such statistics as the chief of the fire department may wish to include therein; the chief of the fire department shall also recommend any amendments to the code which, in his judgment, shall be desirable.

#### **14.36.030 Definitions.**

- (a) Wherever the words "chief of the bureau of fire prevention" are used in the fire prevention code, they shall be held to mean the fire chief.
- (b) Wherever the term "corporation counsel" is used in the fire prevention code, it shall be held to mean the attorney for the village.
- (c) Wherever the word "municipality" is used in the fire prevention code, it shall be held to mean the village.

**14.36.050 Establishment of limits of districts in which storage of flammable liquids in outside aboveground tanks is to be prohibited.**

- (a) The limits in which the storage of flammable or combustible liquids in outside aboveground tanks is prohibited by the Village of Westchester.
- (b) New bulk plants for flammable or combustible liquids are prohibited in the Village of Westchester.

**14.36.070 Establishment of motor vehicle routes for vehicles transporting explosives and blasting agents.**

The routes referred to in Section 12.7m of the fire prevention code for vehicles transporting explosives and blasting agents are established as follows:

- (a) The route for interstate shipments is Illinois Interstate 290 (Eisenhower Expressway) only. No stopping or parking of vehicles of interstate shipment shall be allowed within the limits of the village, except for the purpose of inspection by the fire prevention bureau to insure compliance with this code adopted by Section 14.36.010
- (b) The route for intrastate shipments shall be determined by the chief of the fire department at the time of issuance of permit as the route will differ depending on destination of vehicle within the village.

**14.36.100 Establishment of standards of roof hatches for industry.**

It shall be required that all industrial occupancies (F-1, F-2, S-1, S-2) be equipped with roof hatches for the venting of smoke as follows:

- (1) High hazard occupancy, one square foot of roof hatch for every fifty square feet of floor space;
- (2) Ordinary occupancy, one square foot of roof hatch for every two hundred fifty square feet of floor space;
- (3) Minimum size of roof hatch is to be not less than four feet by four feet, and the opening is to be covered by a transparent material;
- (4) In all enclosed stairwells that are not required by this code to have mechanical or pressurized smoke-control systems, or that do not contain less than sixteen square feet of glass area within twelve inches of the ceiling of the stairwell, it shall be necessary to provide a transparent roof hatch, four feet by four feet minimum size, that will be opened automatically by a one hundred thirty-five degree fusible-link device.

#### **14.36.105 Mandatory connection of fire alarm services to village receiving equipment.**

- (a) Whenever any commercial business is required by the terms and provisions of Section 14.36.010 of this chapter to have an interior fire alarm system, said interior fire alarm system shall transmit an approved signal automatically and directly to the alarm-receiving equipment of the Village of Westchester.
- (b) The village and the authorized company, if any, under contract or agreement to maintain the alarm-receiving equipment within village facilities shall not be held liable for any claimed failure of service or any damage that may result from the installation, maintenance or operation of the alarm system which is and shall remain entirely the alarm holder's responsibility.
- (c) All applicants agree to indemnify, defend and save harmless the village and the authorized company, if any, under contract or agreement to maintain the alarm-receiving equipment in the village facilities from all claims, demands, judgments, liability, costs and expenses that may arise, in any way, as a result of the alarm connection to village facilities.
- (d) Neither the village nor the authorized company, if any, under contract or agreement to maintain the alarm-receiving equipment within village facilities are liable for any costs or expenses of installation, lease, maintenance, service or any other charges or fees for any alarm equipment leased or owned by the applicant.
- (e) All applicants must certify that they have alarm system maintenance provided on a twenty-four-hour basis.
- (f) All alarm systems which are to be connected to, or which are presently connected to, the village shall be subject to inspection for compatibility by the police or fire chief or his designee.
- (g) All alarms which are to be connected to, or which are presently connected to, the village shall conform to all village codes and bear approval from the Underwriters' Laboratories, Inc.
- (h) Connection and Maintenance Fee.
  - (1) An initial one-time fee of twenty-five dollars (\$25) for each connection permit shall be paid at the time of application for a connection permit to village facilities.
  - (2) A monthly charge of twenty-nine dollars and fifty cents (\$29.50) shall be required of each business or residence connected to the village police department alarm board.
- (i) Testing of Equipment. No alarm designed to transmit emergency signals directly to the village facilities shall be tested or demonstrated without first having obtained permission from the officer in charge of the police or fire department. Permission is not required to test or demonstrate alarm devices not transmitting emergency signals directly to the police or fire departments unless the messages are to be relayed to the police and fire departments.
- (j) Disconnection and Reconnection to Village Facilities. The village reserves the right at any time to discontinue the service of providing monitoring of any and all alarm systems after

written notice. The village is under no obligation to supply this special type of service to any person, firm or corporation and may deny this privilege for cause.

(1) Causes for disconnection from village facilities:

(A) Failure to pay any fees, maintenance charges or service charges required shall be cause for the police or fire chief to authorize the disconnection of an alarm system after thirty days' written notice.

(B) Twelve false alarms from any one alarm system within a calendar year period shall cause for the police or fire chief to assess the following fines per year:

False alarm 13 – 15	-	\$ 55.00 per false alarm.
False alarm 15 – 18	-	\$ 200.00 per false alarm.
False alarm 18 – 21	-	\$ 500.00 per false alarm
Over 21	-	\$ 1,000.00 per false alarm

(C) Three or more trouble indications within a quarter shall be cause for the police or fire chief to assess the following fines per quarter:

Trouble alarm 4 – 7	-	\$ 55.00 per false alarm.
Trouble alarm 7 – 10	-	\$ 200.00 per false alarm.
Trouble alarm 10 – 13	-	\$ 500.00 per false alarm
Over 13	-	\$ 1,000.00 per false alarm

(D) Any alarm system which continues to transmit a trouble indication for any period for more than twenty-four hours shall cause for the police or fire chief to assess the following fines in the hours indicated:

Hours 24 – 48	-	\$ 55.00
Hours 48 – 96	-	\$ 200.00
Hours 96 – 192	-	\$ 500.00 per false alarm
Over 192 hours	-	\$1,000.00 per false alarm

(2) Reconnection to Village Facilities.

(A) If an alarm system has been disconnected because of nonpayment of any fees or charges, upon payment in full of all outstanding fees and charges, the alarm system may be reconnected to village facilities.

(B) If an alarm system has been disconnected because of trouble indications, the alarm holder must submit a written statement indicating that repairs have been made to correct the mechanical/electrical problem in the system. After verification that the system is functioning properly, the alarm system may be reconnected to village facilities.

- (C) If an alarm system has been disconnected because of false alarms, the alarm holder must submit a written statement indicating the reasons for the false alarms and stating what measures have been taken to prevent or minimize future false alarms. Upon review of the statement, the alarm system may be reconnected at the discretion of the police or fire chief.
- (D) The alarm holder shall be responsible for any cost or charge arising from the reconnection.

**14.36.110 Establishment of smoke detectors in multifamily dwellings and combination dwelling/other use occupancy.**

- (a) Requirements. It shall be the responsibility of the owner of each new and existing occupied dwelling unit to install smoke detectors in each such dwelling unit as hereinafter provided. Said smoke detectors shall be capable to sensing visible or invisible particles of combustion and providing a suitable audible alarm in the event of fire. All new and existing buildings that contain a dwelling and other use occupancy shall have early-warning smoke detectors installed in all occupancies that will activate simultaneously upon the activation of any one of the detectors in the system. All detectors are to be combination battery and electrically powered.
- (b) In any building construction after the passage of the ordinance codified in this section, smoke detectors shall be installed at the time of construction.

**14.36.115 Hallway and stairway detectors.**

In all buildings, other than dwellings exceeding two stories in height, smoke detectors shall be installed in all corridors, hallways and enclosed stairways.

**14.36.120 Establishment of building plan review for new construction.**

It shall be required that all plans for new building construction within the fire limits be reviewed by the fire prevention bureau and an approved plan review engineering agency, with incurred cost to be absorbed by the applicant.

**14.36.140 New materials, processes or occupancies which may require permits.**

The chief of the fire department or their designee, the fire marshal of the bureau of fire prevention, and the Building Official shall sit as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in said code.

The bureau of fire prevention shall post such list in a conspicuous place in the office, and distribute copies thereof to interested persons.

## **Chapter 14.52 CERTIFICATES OF COMPLIANCE**

### **Sections:**

14.52.010 Title insurance reports.

14.52.020 Village inspection of real estate—Certificate of compliance required.

14.52.030 Issuance—Payment of village debts required.

14.52.040 Fee.

14.52.050 Temporary certificate of compliance.

14.52.060 Exempt transfers.

14.52.070 Penalty.

### **14.52.010 Title insurance reports.**

The requirement of inspection of real estate shall be mandatory on all transfers of ownership of real estate in the village. Said requirement shall further be reflected on all real estate title insurance reports conducted precedent to the transfer of ownership to give public notice of said mandatory inspection. Copies of the ordinance codified in this chapter shall be sent to all title insurance companies with notice that the mandatory inspection is required on any transfer of ownership of real estate in the village.

### **14.52.020 Village inspection of real estate—Certificate of compliance required.**

- (a) Whenever any owner of real estate or of the beneficial interest in a land trust, or any person or agent acting on behalf of such owner, offers to sell any real estate located within the village, said owner, person or agent shall notify the village of such proposed sale.
- (b) Upon receipt of such notice, the village shall cause an inspection to be made of the building or structure located upon such real estate, in order to determine if it is in compliance with the provisions of the village code that pertain to health and safety.
- (c) Upon conclusion of said inspection, the building commissioner, or his designee, shall notify the owner or agent of any violations of applicable codes and, prior to the issuance of the certificate of compliance, a reinspection shall be conducted. A certificate of compliance will be available within forty-eight hours following the inspection or reinspection. Upon presentation of the certificate of compliance, the village will affix a stamp upon the original deed or document of transfer.
- (d) If any owner, property agent, tenant, occupant or other person in control of residential property or a dwelling unit contained therein fails or refuses to consent to free access and entry to the property or dwelling unit under his control for any inspection pursuant to this chapter, the village may apply to the circuit court of Cook County for an administrative search warrant or other appropriate court order authorizing such inspection.

- (e) The village does not warrant the condition of any property inspected and shall not be responsible for any claims arising out of the property or the condition thereof. The village does not warrant that all deficiencies are listed in the certificate of compliance and does not warrant anything as to the condition of the property or the liability thereof.

**14.52.030 Issuance—Payment of village debts required.**

The certificate of compliance set forth in Section 14.52.010 shall not be issued until all outstanding debts or obligations due the village from the property in question have been paid in full.

**14.52.040 Fee.**

The inspection fee for any such inspection made at the request of any buyer, seller or real estate broker shall be at the following rate schedule, payable in advance at the time of the request:

- (1) Condominium units and single-family units: one hundred twenty-five dollars;
- (2) Two-family or three-family dwelling unit buildings: one hundred seventy-five dollars;
- (3) Buildings with four or more dwelling units: two hundred twenty-five dollars;
- (4) Commercial and industrial buildings: ten cents per square foot with a three-hundred dollar minimum.

The village shall provide an initial inspection and a subsequent reinspection for the fees provided in this section. The initial inspection report shall be valid for a period of six months. For any additional reinspection(s) required beyond the initial and reinspection, an additional fee of one hundred twenty-five dollars shall be charged.

Temporary certificates of compliance: In addition to the fees listed above, the village shall, upon issuance of the temporary certificate of compliance, charge an administrative fee of one hundred dollars.

**14.52.050 Temporary certificate of compliance.**

In the event that all code violations are not abated and a certificate of compliance is not issued, prior to closing of said property, an owner may sell, transfer or convey real property upon issuance of a temporary certificate of compliance and completion of the following conditions:

- (1) Written confirmation on the part of the buyer, grantee or transferee certifying to the village that such buyer, grantee or transferee has assumed the obligation to abate all violations of the Westchester Municipal Code that pertain to health and safety within sixty days from the time of the issuance of the temporary certificate of compliance. Failure to abate such violations within sixty days shall be deemed a violation of this section, and the buyer, grantee or transferee shall be subject to code enforcement

adjudication pursuant to Chapter 2.92 of the Westchester Municipal Code and a fine of not more than seven hundred fifty dollars. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of this section is committed, continued or permitted; and

- (2) Deposit of the reinspection fee with the village as a prepayment for reinspection following the abatement of all violations.

The village shall have the right to deny a request for a temporary certificate of compliance if, in the sole discretion of the village, it is determined that violations exist that threaten the health and/or safety of the occupants or surrounding residents.

#### **14.52.060 Exempt transfers.**

The following transfers are exempt from the provisions of this chapter:

- (1) Transfers involving real property acquired by or from any governmental body;
- (2) Transfers in which the deed, assignment or other instrument of transfer secures debt or other obligations and no new or additional parties take possession of the property;
- (3) Transfers in which the deed, assignment or other instrument of transfer, without additional consideration, confirms, corrects, modifies or supplements a deed, assignment or other instrument of transfer previously recorded or delivered;
- (4) Transfers in which the deed is a tax deed;
- (5) Transfers in which the deed, assignment or other instrument of transfer releases property which secures debt or other obligations;
- (6) Transfers in which the deed is otherwise pursuant to a court decree;
- (7) Transfers between a subsidiary corporation and its parent or between subsidiary corporation of a common parent either pursuant to a plan of merger or consolidation or pursuant to a plan of reorganization providing for the sale of substantially all of the seller's assets;
- (8) Transfers from a subsidiary corporation to its parent for no consideration other than the cancellation or surrender of the subsidiary's stock and transfers from a parent corporation to its subsidiary for no consideration other than the issuance or delivery to the parent of the subsidiary's stock;
- (9) Transfers in which the deed or other instrument of transfer is issued to the mortgagee or secured creditor pursuant to a mortgage or security interest foreclosure proceeding or sale or pursuant to a transfer in lieu of foreclosure;
- (10) Transfers in which an additional party is added to title and the existing or prior title holder remains in title and continues to reside at the property;
- (11) Transfers by an executor or administrator to a legatee, heir or distributee where the transfer is being made pursuant to will or by intestacy;

- (12) Transfers from a decedent to an executor or administrator;
- (13) Transfers from an incompetent to a conservator or similar legal representative, or from a conservator or similar legal representative to a former incompetent upon removal of disability;
- (14) Transfers from a bankrupt or person in receivership due to insolvency to the trustee in bankruptcy or receiver, from such receiver to such trustee, or from such trustee to such receiver or upon redelivery or retransfer by any such transferee or successor thereto;
- (15) Transfers from trustee to surviving, substitute, succeeding or additional trustees of the same trust;
- (16) Transfers upon the death of a joint tenant or tenant by the entirety to the survivor;
- (17) Transfers into or out of a land trust for no additional consideration and where the title holder or beneficial owner retains possession and continues to reside at the property;
- (18) New Construction. Upon the issuance of an occupancy permit to the owner of a newly constructed building or structure which has not been previously occupied, the building commissioner shall also issue to said owner a certificate of compliance.

#### **14.52.070 Penalty.**

Any firm, person or corporation who participates in a sale or transfer in violation of this chapter as sellers, buyers or agent shall be fined not less than five hundred dollars for such offense.

### **Chapter 14.60 CONVERSION OF HISTORIC STRUCTURES**

#### **Sections:**

- 14.60.010 Applicability.
- 14.60.020 Proof of date of construction.
- 14.60.030 Designation.
- 14.60.040 Number of occupants.
- 14.60.050 Posted occupant load.
- 14.60.060 Existing internal exit stairs.
- 14.60.070 Existing ceiling heights.
- 14.60.080 Historic windows and doors.
- 14.60.090 Compliance.
- 14.60.100 Existing construction classification permitted.
- 14.60.110 Additions.
- 14.60.120 General height and area limitations.

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14.60.130 Restricted use of existing spaces.

14.60.140 Construction limits.

14.60.150 Parking areas.

**14.60.010 Applicability.**

The provisions of this chapter shall control the alteration, repair, addition, modification or change of occupancy of any existing structure which:

- (1) Has been constructed, in whole or in part, not less than one hundred forty years prior to the enactment of the ordinance codified in this chapter;
- (2) Remains on its original foundation or has been moved to a new location for the purpose of preserving the structure;
- (3) Is intended to be occupied; however, not as a residency, at any time; and
- (4) Shall be utilized for the sole purpose of interpreting for the general public, significant community events, persons or places of Westchester or its predecessor communities.

**14.60.020 Proof of date of construction.**

Proof of the date of construction must be submitted upon application for a building permit and shall be submitted in one or more of the following formats:

- (1) Construction records and documents;
- (2) Historic photographs;
- (3) Public documents; or
- (4) A letter detailing the history of the structure, including its known or probable date or dates of construction, from a historic preservation professional with demonstrated experience with the type of existing structure to be considered for said use.

**14.60.030 Designation.**

Any property which qualifies for consideration for the benefits afforded under the provisions of this chapter shall be so designated as a converted historic property for small group assembly (CHP/SGA) as long as the property is utilized for the sole purpose of interpreting, for the general public, significant community events, persons or places of Westchester or its predecessor communities. At such time as any property designated as a converted historic property for small group assembly (CHP/SGA) is no longer used in accordance with the provisions of this chapter, the property designation shall revert to the zoning and use classifications prescribed in the governing codes and ordinances adopted and in effect for the village and, prior to occupancy, for the purposes stated herein, the building shall be brought into full conformance with all restrictions and compliance requirements stipulated therein.

#### **14.60.040 Number of occupants.**

The number of occupants in any building so designated as a converted historic property for small group assembly (CHP/SGA) shall not exceed the number set by the village at any one time. The construction documents and the application for building permit shall identify the maximum number of occupants permitted on any floor above the principal floor. The fire prevention code official shall be informed in writing of the occupancy load.

#### **14.60.050 Posted occupant load.**

The occupant load for any building so designated as a converted historic property for small group assembly (CHP/SGA) shall be clearly posted in a conspicuous, interior location near each entrance to the building. The occupant load for all floors above the principal floor shall be clearly posted in a conspicuous location near the head of the stairs providing access to that floor. All posted signs shall be an approved, legible design and mounted not less than forty-two inches but not more than eighty-two inches above the floor.

#### **14.60.060 Existing internal exit stairs.**

A single exit stairway may serve any floor above the principal floor for any building designated as a converted historic property for small group assembly (CHP/SGA) provided that the travel distance to an emergency exit is less than seventy-five feet from the most remote point of a floor above the principal floor. Existing internal stairways may remain without modification in clear width. Less than fifty percent of an existing internal stairway may be modified provided that the modification does not result in riser heights greater than the existing risers or tread depths less than the existing tread depths. Where fifty percent or more of an existing internal stairway is to be modified, then the entire stairway must conform to the requirements of the new construction. Where wider stairs are provided, the tread depth shall be measured at the midpoint of the tread width. At all winder stairs where the stairwell is at least forty-eight inches wide, continuous handrails must be provided at both sides of the stair. Existing internal exit stairs in a building designated as a converted historic property for small group assembly (CHP/SGA) shall not be required to be enclosed with a fire separation assembly.

#### **14.60.070 Existing ceiling heights.**

Where existing ceiling heights are scheduled to remain and the ceiling height is less than seven feet above the finished floor in any building so designated as a converted historic property for small group assembly (CHP/SGA), the existing ceiling is permitted to remain provided that the room or space is utilized for the interpretation of historic architectural design and construction techniques or that the room or space is located on a floor above the principal floor.

#### **14.60.080 Historic windows and doors.**

Where historic windows and doors are located for the interpretation of the architecture of any building designated as a converted historic property for small group assembly (CHP/SGA), the proportions and sizes are not required to conform with provisions of the building ordinance for the village, provided that sufficient egress is provided through additional openings which comply with all code requirements.

#### **14.60.090 Compliance.**

The provisions of the building ordinance for the village, including any model code, in its entirety or in part, adopted by the village, relating to the construction, repair, alteration, addition, restoration, and movement of structures shall not be mandatory for any property which has been designated as a converted historic property for small group assembly (CHP/SGA) where such buildings are judged by the local building code official and fire code official to be safe and in the interest of the public health, safety and welfare regarding any proposed construction, alteration, repair, addition and relocation.

#### **14.60.100 Existing construction classification permitted.**

For any property so designated as a converted historic property for small group assembly (CHP/SGA) by the village, the construction classification of the existing structure shall be a permitted construction classification for small group assembly provided that all construction, repair, addition, restoration and movement of structures shall be made to conform to the requirements of this chapter.

#### **14.60.110 Additions.**

Any additions or modifications to an existing structure which has been designated as a converted historic property for small group assembly (CHP/SGA) may be constructed of the same or similar construction materials as those materials utilized in the existing construction provided that the additions or modifications do not result in an increase in hazard to the occupants. No new construction or repair shall result in the existing building being less safe and/or sanitary than its condition prior to the new construction or repair.

#### **14.60.120 General height and area limitations.**

Any building, additions or modifications, so designated as a converted historic property for small group assembly (CHP/SGA) shall not exceed two stories or thirty-five feet in height measured from the principal floor to the uppermost ridge of the roof and shall not exceed two thousand five hundred square feet at the principal floor.

#### 14.60.130 Restricted use of existing spaces.

The use of any area not located on the principal floor of any building so designated as a converted historic property for small group assembly (CHP/SGA) shall be restricted as follows:

- (1) Basements. Any basement area shall not be accessible to the general public and shall be used solely for the placement of mechanical, utility and alarm systems, or for incidental uses including, but not limited to, artifact and document storage, display preparation, or exhibition of building components and/or artifacts which may be viewed from the principal floor.
- (2) Floor above the Principal Floor. Any floor, or any part thereof, above the principal floor shall not be used for permanent occupancy except that limited use for administrative functions associated with the operation of the facility may be performed by three or fewer employees, agents and/or volunteers at any time; that storage of incidental artifacts, records, documents or display materials is permitted in compliance with load restrictions; and that the exhibition of building components and/or artifacts which may be viewed from the principal floor is permitted.
- (3) Attics. Any attic, or any part thereof, shall be utilized only for mechanical, utility and alarm systems as permitted under this chapter.

#### 14.60.140 Construction limits.

Any building designated as a converted historic property for small group assembly (CHP/SGA) must comply with the following building setbacks from property boundary lines:

Building front yard	45'-0"
Covered porch or stoop front yard	40'-0"
Building side yard	10'-0"
Covered porch or stoop side yard	3'-0"
Open air deck side yard	3'-0"
Building rear yard	20'-0"
Covered porch or stoop rear yard	10'-0"
Open air deck rear yard	5'-0"

#### **14.60.150 Parking areas.**

A parking area, in accordance with the provisions of the codes and ordinances of the village, must be provided within one hundred fifty feet of any property designated as a converted historic property for small group assembly (CHP/SGA). All parking areas must be illuminated with adequate lighting to assure safe and secure use of the parking area and all pedestrian approaches to the designated property at all times.

#### **Chapter 14.64 ELEVATORS AND ESCALATORS**

##### **Sections:**

14.64.010 Standards adopted.

14.64.020 Inspection fee.

##### **14.64.010 Standards adopted.**

- (a) All codes and standards adopted by the Office of the State Fire Marshal Elevator Safety Act are adopted.

##### **14.64.020 Inspection fee.**

The fee for the inspection of an elevator, escalator, moving walk, platform lift, stairway chairlift, personal hoist, automated people mover or similar device shall be sixty dollars.

#### **Chapter 14.65 FUEL GAS CODE**

##### **Sections:**

14.65.010 Adoption.

14.65.020 Modifications - Insertions, additions, deletions and modifications.

##### **14.65.010 Adoption.**

The International Fuel Gas Code 2012, as published by the International Code Council, Inc., be and the same is hereby adopted. Three copies of said document are on file in the office of the village clerk of the Village of Westchester, Cook County, State of Illinois. Each and all of the regulations, provisions, penalties, conditions and terms of the International Fuel Gas Code, are hereby referred to, adopted and made a part hereof as if fully set out in this chapter, with the insertions, additions, deletions and modifications as prescribed in this chapter.

##### **14.65.020 Modifications - Insertions, additions, deletions and modifications.**

- (a) The following sections are revised:

Section 101.1. Insert: Village of Westchester

Section 106.5.1. Work commencing before permit issued: Delete this section in its entirety and amend to read:

Section 106.5.1. Work commencing before permit issued: Any person who commences work on a mechanical or fuel gas system before obtaining the necessary permits shall be subject to a fine not exceeding \$500.00 in addition to the required permit fees. The fine shall not exceed \$750.00 per day.

Section 106.5.2. Fee Schedule: Delete the contents of this section in its entirety and amend to read:

Section 106.5.2 Fee Schedule: The permit fees to be charged shall be determined as outlined in 14.01.110

Section 106.5.3. Fee Refunds #2: Insert "80%" where applicable.

Section 106.5.3. Fee Refunds #3: Insert "80%" where applicable.

Section 108.4. Insert: "Misdemeanor, \$500.00, six (6) months" where applicable. The fine shall not exceed \$750.00 per day.

Section 108.5. Insert: "\$25.00 and \$500.00" where applicable. The fine shall not exceed \$750.00 per day.

Section 109 Delete all text and the insert following the following. See 14.01.060 for the Board of Appeals

Chapter 8 – Referenced Standards

Delete all references to the International Plumbing Code and insert the Illinois Plumbing Code 2014 Edition

Appendices - Adopt the following appendices: A, B, C

## **Chapter 14.70 ILLINOIS ACCESSIBILITY CODE 1997**

### **Sections:**

14.70.010 Adoption.

14.70.020 Modifications - Insertions, additions, deletions and modifications.

### **14.70.010 Adoption.**

The Illinois Accessibility Code 1997, as published by the State of Illinois, be and the same is hereby adopted. Three copies of said document are on file in the office of the village clerk of the Village of Westchester, Cook County, State of Illinois. Each and all of the regulations, provisions, penalties, conditions and terms of the Illinois Accessibility Code, are hereby referred

to, adopted and made a part hereof as if fully set out in this chapter, with the insertions, additions, deletions and modifications as prescribed in this chapter.

**14.70.020 Modifications - Insertions, additions, deletions and modifications.**

(a) The following sections are revised:

Section 400.110 c add the following: Any conflicts between this code and other adopted codes for the Village of Westchester shall result in the stricter of the two requirements being enforced.

**Chapter 14.75 INTERNATIONAL ENERGY CONSERVATION CODE**

**Sections:**

14.75.010 Adoption.

14.75.020 Modifications - Insertions, additions, deletions and modifications.

**14.75.010 Adoption.**

The International Energy Conservation Code 2012, as published by the International Code Council, Inc., be and the same is hereby adopted. Three copies of said document are on file in the office of the village clerk of the Village of Westchester, Cook County, State of Illinois. Each and all of the regulations, provisions, penalties, conditions and terms of the International Energy Conservation Gas Code, are hereby referred to, adopted and made a part hereof as if fully set out in this chapter, with the insertions, additions, deletions and modifications as prescribed in this chapter.

**14.75.020 Modifications - Insertions, additions, deletions and modifications.**

(a) The following sections are revised:

Section C101.1. Insert: Village of Westchester

Section C107.6 Work commencing before permit issued: Delete this section in its entirety and amend to read:

Section C107.6 Work commencing before permit issued: Any person who commences work on any features of a building which have accessibility requirements before obtaining the necessary permits shall be subject to a fine not exceeding \$500.00 in addition to the required permit fees.

Section C107.2. Fee Schedule: Delete the contents of this section in its entirety and amend to read:

Section C107.2 Fee Schedule: The permit fees to be charged shall be determined as outlined in 14.01.110

Section C107.5. Fee Refunds #2: Insert "80%" where applicable.

Section C107.5. Fee Refunds #3: Insert "80%" where applicable.

Section C108.4. Insert: "Misdemeanor, \$500.00, six (6) months" where applicable.

Section 109 Delete all text and the insert following the following. See 14.01.060 for the Board of Appeals

Chapter 5 – Referenced Standards

Delete all references to the International Plumbing Code and insert the Illinois Plumbing Code 2014

(b) The following sections are revised:

Section R101.1. Insert: Village of Westchester

Section R107.6 Work commencing before permit issued: Delete this section in its entirety and amend to read:

Section R107.6 Work commencing before permit issued: Any person who commences work on any features of a building which have accessibility requirements before obtaining the necessary permits shall be subject to a fine not exceeding \$500.00 in addition to the required permit fees. The fine shall not exceed \$750.00 per day.

Section R107.2. Fee Schedule: Delete the contents of this section in its entirety and amend to read:

Section R107.2 Fee Schedule: The permit fees to be charged shall be determined as outlined in 14.01.110

Section R107.5. Fee Refunds #2: Insert "80%" where applicable.

Section R107.5. Fee Refunds #3: Insert "80%" where applicable.

Section R108.4. Insert: "Misdemeanor, \$500.00, six (6) months" where applicable. The fine shall not exceed \$750.00 per day.

Section R109 Delete all text and the insert following the following. See 14.01.060 for the Board of Appeals

Chapter 5 – Referenced Standards

Delete all references to the International Plumbing Code and insert the Illinois Plumbing Code 2014 Editions

**Section 2.** Any ordinance or portion of any ordinance in conflict with any of the provisions of this Ordinance is hereby repealed solely to the extent of such conflict.

**Section 3.** This Ordinance shall be in full force and effect upon its passage and approval as provided by law.

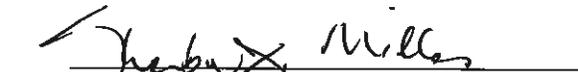
**ADOPTED** this 27<sup>th</sup> day of April, 2015, pursuant to a roll call vote as follows:

Angelo A. Calcagno	<u>Aye</u>	Celestine Reda	<u>Aye</u>
Paul Gattuso	<u>Absent</u>	Nick Steker	<u>Aye</u>
Frank Perry	<u>Aye</u>	Tom Yurkovich	<u>Absent</u>
		President Pulia	<u>Aye</u>

**APPROVED** this 27<sup>th</sup> day of April, 2015.

  
\_\_\_\_\_  
Sam D. Pulia, Village President

ATTEST:

  
\_\_\_\_\_  
Sherby J. Miller, Village Clerk