ORDINANCE 2018-023          PASSED: MAY 14, 2018

AMENDING CHAPTER 24 “BUILDING CODE” OF THE
MUNICIPAL CODE OF THE CITY OF DEKALB, ILLINOIS
FOR MISCELLANEOUS TEXT AMENDMENTS.

WHEREAS, the City of DeKalb is a home-rule municipality with the powers and
authority conferred upon it by virtue of the Illinois Constitution of 1970 and the Illinois
Municipal Code; and

WHEREAS, Section 6(a) of Article VII of the Illinois Constitution of 1970 gives to
Home Rule Municipalities the authority to exercise any powers pertaining to its
government and affairs including, but not limited to, the power to regulate for the
protection of the public health, safety, morals and general welfare; and

WHEREAS, the City of DeKalb has adopted Building Codes, which sets forth the
building safety, construction standards and procedures for the City of DeKalb; and

WHEREAS, the City wishes to amend portions of Chapter 24 “Building Code”,
including Article 1 “International Building Code” to modify various provisions for work
exempt from a permit and Temporary Occupancy Certificates; and Article 2 “International Residential Code” to modify various provisions for work exempt
from a permit and Temporary Occupancy Certificates; and

WHEREAS, the Building Code Board of Appeals discussed these
miscellaneous text amendments at its meeting on April 5, 2018, at which the Board
recommended approval of the amendments herein.

THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of
DeKalb, DeKalb County, Illinois, as follows:

Section 1. Chapter 24 “Building Code”, Article 1 “International Building Code”; and
Article 2 “International Residential Code”, shall be amended as indicated in Exhibit A;

Section 2. All ordinances or portions thereof in conflict with this ordinance, including
the prior versions of the ordinances included above, are hereby repealed;

Section 3. Should any provision of this Ordinance be declared invalid by a court
of competent jurisdiction, the remaining provisions will remain in full force and affect
the same as if the invalid provision had not been a part of this Ordinance.

Section 4. This Ordinance shall be in full force and effect after passage and
publication pursuant to law. Publication date: May 15, 2018. Effective date: May 24,
2018.

ATTEST:

RUTH A. SCOTT, Deputy City Clerk

JERRY SMITH, Mayor
EXHIBIT A

ARTICLE 1 INTERNATIONAL BUILDING CODE

(Add the following sections to the presently approved amendments to the 2015 International Building Code)

(B) 105.2, 1. 4. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than 120 square feet (11 m²). One-story detached accessory structures without foundations, used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than 120 square feet. Such exempt structures shall comply with all zoning and municipal codes.

(B) 105.2, 2. 2. Fences not over 7 feet (2134 mm) high. Fences under 3 feet in height. Such fences shall comply with setbacks, locations and all provisions of the City of DeKalb Municipal Code.

(B) 105.2, 4. 4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids. Retaining walls that are not over 4 feet in height measured from the lowest point of finish grade to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.

(B) 105.2, 6. 6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route. Private sidewalks not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route. Private sidewalks shall comply with setbacks, locations and all provisions of the City of DeKalb Municipal Code.

(B) 105.2, 9. 9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, not greater than 5,000 gallons (18,925 L) and are installed entirely above ground. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18,925 L) and are installed entirely above ground. Such pools shall comply with setbacks, locations and all provisions of the City of DeKalb Municipal Code.

(B) 105.2, 10. 10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems. Such structures shall comply with setbacks, locations and all provisions of the City of DeKalb Municipal Code.

(B) 105.2, 11. 11. Swings and other playground equipment accessory to detached one- and two-family dwellings. Swings and other playground equipment accessory to
detached one- and two-family dwellings. Swings and other playground equipment shall comply with setbacks, locations and all provisions of the City of DeKalb Municipal Code.

(B) 105.2, 12. Window awnings in Group R-3 and U occupancy, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support. Awnings shall comply with applicable provisions of the City of DeKalb Municipal Code.

(E) 105.2. Electrical: Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas. Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus. Provisions of the presently adopted edition of the NEC shall govern code requirements related to electrical installation.

(P) 105.2, 1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code. Plumbing work requiring a permit shall be as prescribed by the Illinois Department of Public Health (IDPH) within the 2014 Illinois State Plumbing Code.

(P) 105.2, 2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures. Plumbing work requiring a permit shall be as prescribed by the Illinois Department of Public Health (IDPH) within the 2014 Illinois State Plumbing Code.

(Amend the following section of the presently approved amendments to the 2015 International Building Code)

111.3 Temporary occupancy certificate. (Amended as follows) Upon the request of the holder of a permit for work involving the construction of a new structure, or the enlargement, extension, or alteration of an existing structure, and provided that a reasonable notice of at least twenty-four (24) hours is given, the Chief Building Official will perform an occupancy inspection. Chief Building Official shall issue a temporary occupancy certificate for a building or structure before the entire work covered by the permit shall have been completed, provided that such portion or portions will be occupied safely prior to full completion of the building or structure without endangering life or public welfare. Provided further that such certificate issued for temporary occupancy shall expire forty-five (45) days from the date of issuance, after which the holder of the permit shall be liable to a fine of not less than Two Hundred Fifty Dollars ($250.00) nor more than Five
Hundred Dollars ($500.00). Each day that a violation continues shall be deemed a separate offense failure to remedy, correct and/or repair any outstanding code violations or deficiencies in workmanship. Extensions of this grace period may be granted by the Chief Building Official for weather or market conditions beyond the control of the permit holder, if the written request is approved.

Any person, firm, or corporation who occupies a newly constructed structure or addition to an existing structure without having been issued a Temporary Occupancy Certificate by the Chief Building Official shall be in violation of this section and liable to a fine of not less than Two Hundred Fifty Dollars ($250.00) nor more than Five Hundred Dollars ($500.00). Each day that a violation continues shall be deemed a separate offense.

Upon the request of the holder of a permit for work involving the construction of a new structure, or the enlargement, extension, or alteration of an existing structure, and provided that a reasonable notice of at least twenty-four (24) hours is given, the Chief Building Official will perform an occupancy inspection. Chief Building Official may issue a temporary occupancy certificate for a building or structure before the entire work covered by the permit shall have been completed, provided that such portion or portions will be occupied safely prior to full completion of the building or structure without endangering life or public welfare.

Prior to issuance of the temporary Certificate of Use and Occupancy, the owner shall file with the City, for the use of the City, one of the following: a corporate surety bond issued by an Illinois insurance company or one licensed to do business in the State of Illinois; a letter of credit from an appropriate financial institution; or a cash deposit. Forms for these financial assurances are available from the Community Development Director.

Provided further that such certificate issued for temporary occupancy shall expire forty-five (45) days from the date of issuance, after which the holder of the permit shall be liable of a fine not less than Two Hundred Fifty Dollars ($250.00) nor more than Five Hundred Dollars ($500.00). Each day that a violation continues shall be deemed a separate offense. Extensions of this grace period may be granted by the Chief Building Official for weather or market conditions beyond the control of the permit holder, if the written request is approved.

Any person, firm, or corporation who occupies a newly constructed structure or addition to an existing structure without having been issued a Temporary Occupancy Certificate by the Chief Building Official shall be in violation of this section and liable to a fine of not less than Two Hundred Fifty Dollars ($250.00) nor more than Five Hundred Dollars ($500.00). Each day that a violation continues shall be deemed a separate offense.
ARTICLE 2 INTERNATIONAL RESIDENTIAL CODE

(Add the following sections to the presently approved amendments to the 2015 International Building Code)

R105.2, 1. One-story detached accessory structures, provided that the floor area does not exceed 200 square feet (18.58 m²). One-story detached accessory structures without foundations, used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than 120 square feet. Such exempt structures shall comply with all zoning and municipal codes.

R105.2, 2. Fences not over 7 feet (2134 mm) high. Fences under 3 feet in height. Such fences shall comply with setbacks, locations and all provisions of the City of DeKalb Municipal Code.

R105.2, 3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge. Retaining walls that are not over 2 feet in height measured from the lowest point of finish grade to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids. Such retaining walls shall comply with setbacks, locations and all provisions of the City of DeKalb Municipal Code.

R105.2, 5. Sidewalks and driveways. Private sidewalks are exempt from a permit. Private sidewalks shall comply with setbacks, locations and all provisions of the City of DeKalb Municipal Code.

R105.2, 7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep. Prefabricated swimming pools that are less than 24 inches deep and are installed entirely above ground. Such pools shall comply with setbacks, locations and all provisions of the City of DeKalb Municipal Code.

R105.2, 8. Swings and other playground equipment. Swings and other playground equipment are exempt from permit. Swings and other playground equipment shall comply with setbacks, locations and all provisions of the City of DeKalb Municipal Code.

R105.2, 9. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support. No permit required. Awnings must comply with applicable provisions of the City of DeKalb Municipal Code.

R105.2, 10 Decks not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling do not serve the exit door required by Section R311.4. Decks not exceeding 120 square feet in area, that are not more than 30 inches above grade at any point, are not attached to a dwelling do not serve the exit door required by Section R311.4. Such structures, including those exempted, shall comply with setbacks, locations and all provisions of the City of DeKalb Municipal Code.
(G) R105.2, 1. Portable heating, cooking or clothes drying appliances. Portable heating, cooking or clothes drying appliances provided no permanent connection to gas supply is necessary.

(M) R105.2, 1. Portable heating appliances. Portable heating appliances provided no permanent connection to mechanical systems is necessary.

(M) R105.2, 2. Portable ventilation appliances. Portable ventilation appliances provided no permanent connection to mechanical systems is necessary.

(M) R105.2, 3. Portable cooling units. Portable cooling units provided no permanent connection to mechanical systems is necessary.

(P) R105.2, 1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code. Plumbing work requiring a permit shall be as prescribed by the Illinois Department of Public Health (IDPH) within the 2014 Illinois State Plumbing Code.

(P) R105.2, 2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures. Plumbing work requiring a permit shall be as prescribed by the Illinois Department of Public Health (IDPH) within the 2014 Illinois State Plumbing Code.

R110.4 Temporary occupancy. The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid. (Amended as follows) Upon the request of the holder of a permit for work involving the construction of a new structure, or the enlargement, extension, or alteration of an existing structure, and provided that a reasonable notice of at least twenty-four (24) hours is given, the Chief Building Official will perform an occupancy inspection. Chief Building Official may issue a temporary occupancy certificate for a building or structure before the entire work covered by the permit shall have been completed, provided that such portion or portions will be occupied safely prior to full completion of the building or structure without endangering life or public welfare.

Prior to issuance of the temporary Certificate of Use and Occupancy, the owner shall file with the City, for the use of the City, one of the following: a corporate surety bond issued by an Illinois insurance company or one licensed to do business in the State of Illinois; a letter of credit from an appropriate financial institution; or a cash deposit. Forms for these financial assurances are available from the Community Development Director.
Provided further that such certificate issued for temporary occupancy shall expire forty-five (45) days from the date of issuance, after which the holder of the permit shall be liable of a fine not less than Two Hundred Fifty Dollars ($250.00) nor more than Five Hundred Dollars ($500.00). Each day that a violation continues shall be deemed a separate offense. Extensions of this grace period may be granted by the Chief Building Official for weather or market conditions beyond the control of the permit holder, if the written request is approved.

Any person, firm, or corporation who occupies a newly constructed structure or addition to an existing structure without having been issued a Temporary Occupancy Certificate by the Chief Building Official shall be in violation of this section and liable to a fine of not less than Two Hundred Fifty Dollars ($250.00) nor more than Five Hundred Dollars ($500.00). Each day that a violation continues shall be deemed a separate offense.