

SPONSORED BY: JIM WEBSTER

ORDINANCE
OF THE
COUNTY BOARD OF THE COUNTY OF WINNEBAGO, ILLINOIS

SUBMITTED BY: ZONING COMMITTEE

2016 CO 033

ORDINANCE TO ADOPT THE 2015 EDITION OF THE
INTERNATIONAL BUILDING CODE

WHEREAS, the Winnebago County Building Department has been involved in a collaborative effort with the City of Rockford and approximately 25 communities and 6 counties in northwest Illinois to create a Regional Building Code to provide some consistency in the adoption of various codes and amendments related to construction; and

WHEREAS, committees consisting of building officials, inspectors, design professionals, contractors, trade associations, labor unions, and local stakeholders were assembled to review new and existing codes as well as local amendments; and

WHEREAS, this collaborative effort resulted in the creation of a proposed Regional Building Code that includes specific agreed upon amendments applicable to the adoption of the 2015 International Residential Code; 2015 International Fire Code; the 2015 International Mechanical Code; the 2015 International Fuel Gas Code; NFPA 70: National Electrical Code, 2015 Edition; and the Illinois State Plumbing Code; and

WHEREAS, the County Board of the County of Winnebago, Illinois, adopted the 2003 International Building Code on April 14, 2005; and

WHEREAS, the Winnebago County Building Department recommends adoption of the 2015 ICC International Building Code with the amendments proposed in the Regional Building Code; and

WHEREAS, the aforesaid 2015 edition of the ICC International Building Code has been filed in the office of the Winnebago County Clerk pursuant to 55 ILCS 5/5-6005.

NOW THEREFORE BE IT ORDAINED by the County Board of the County of Winnebago, Illinois, that the 2015 ICC International Building Code be and the same is hereby adopted by reference pursuant to 55 ILCS 5/5-6002, with modifications as set forth below.

BE IT FURTHER ORDAINED, that Chapter 18, Article II, Division 1 of the Winnebago County Code of Ordinances is hereby deleted in its entirety and replaced with the following:

DIVISION 1. – BUILDING CODE

Sec. 18-31. – Adopted.

The 2015 ICC International Building Code is hereby adopted by reference thereto as though fully set forth in this section and the whole thereof, save and except those portions as are deleted, modified, or amended in Section 18-32, three copies of which have been on file in the office of the county clerk for use and examination by the public for at least 30 days prior to the adoption thereof.

Sec. 18-32. – Amendments.

The 2015 ICC International Building Code adopted by Section 18-31 is hereby amended as follows:

- (1) Section 101.1 is amended to read as follows:

101.1 Title. These regulations shall be known as the Building Code of Winnebago County, Illinois, hereinafter referred to as “this code.”

- (2) Section 103.2 is amended to read as follows:

103.2 Appointment. The building official shall be appointed by the county board chairman and shall serve at his pleasure.

- (3) Section 109.2 is amended to read as follows:

109.2 Schedule of fees. A fee for each plan examination, building permit and inspection shall be paid in accordance with the fee schedule adopted by resolution of the Winnebago County Board.

- (4) Section 109.4 is amended to read as follows:

109.4 Work commencing before permit issuance. When a permit is required by this code, and work is started or proceeded with prior to obtaining said permit, the fees established in Section 109.2 shall be doubled and not less than \$250.00. This penalty may be waived by the building official if the person in violation has not obtained a permit in the last year and is the owner of the property. For the second offense within a twelve month period, starting or proceeding with the work prior to obtaining a permit, the fees established in Section 109.2 shall be doubled and not less than \$500.00 plus an additional fee of \$500.00 shall be paid for each day work continued without said permit. For any subsequent such instance within a

twelve (12) month period, the fees established in Section 109.2 shall be tripled and not less than \$750.00 plus an additional fee of \$750.00 shall be paid for each day work continued without said permit. Nothing in this section prohibits the County of Winnebago from using any other legal method of prosecution for such violations. Further, the payment of such fees shall not relieve any person from complying with the requirements of this code and the execution of the work, not form any penalties prescribed herein.

- (5) Section 109.6 is amended to read as follows:

109.6 Refunds. Within one year after a building permit has been issued and the required fee paid, provided no construction pursuant to the permit has occurred and no inspections have been made, a permit may be cancelled and, upon cancellation, 80 percent (80%) of the permit may be refunded, without interest thereon, and 20 percent (20%) retained to cover administrative expenses.

- (6) Section 113.1 is amended to read as follows:

113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a Building/Mechanical Board of Appeals. The board of appeals shall consist of seven members appointed by the chief appointing authority for five year terms. The board shall modify or reverse the decision of the code official by a concurring vote of four members.

- (7) Section 113.3 is amended to read as follows:

113.3 Qualifications. The Building/Mechanical Board of Appeals shall consist of seven individuals from the following professions or disciplines, with no more than two members from the same profession or discipline.

1. Registered design professional who is a registered architect; or a builder or superintendent of building construction with not less than ten years' experience, five of which shall have been in responsible charge of work; and/or
2. Registered design professional with structural engineering or architectural experience; and/or
3. Registered design professional with mechanical and plumbing engineering experience; or a mechanical contractor with not less than ten years' experience, five of which shall have been in responsible charge of work; and/or

4. Registered design professional with electrical engineering experience; or an electrical contractor with not less than ten years' experience, five of which shall have been in responsible charge of work; and/or
5. Registered design professional with fire protection engineering experience; or a fire protection contractor with not less than ten years' experience, five of which shall have been in responsible charge of work; and/or
6. Licensed professional engineer;
 - a. At least one engineer shall be a licensed structural or civil engineer with architectural engineering experience; and/or
7. Builder or superintendent of building construction with at least ten years' experience, five of which shall be in responsible charge of work.

(8) Section 114.2 is amended to read as follows:

114.2 Notice of violation. The code official shall serve a notice of violation or order to the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a detail statement or the approved construction documents thereunder, or in violation of a permit or certificate issued under the provisions of this code. Notices shall be in accordance with Section 4-4(b) of the Winnebago County Code of Ordinances. Such notice shall be deemed to be properly served if a copy thereof is delivered as detailed in Section 4-4(d) of the Winnebago County Code of Ordinances.

(9) Section 114.3 is amended to read as follows:

114.3 Prosecution of violation. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be subject to the code hearing provisions established by Winnebago County Code Chapter 4, or may be prosecuted before a court of competent jurisdiction upon proper filing of a complaint seeking appropriate relief. Nothing in this section 114.3 is meant to limit a criminal prosecution of state statutes in any way.

(10) Section 114.4 is amended to read as follows:

114.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of the approved construction documents or directives of the code official, or of a permit or certificate issued under the provisions of this code, shall be punished by a fine of

not more than \$1,000.00 for each offense. Each day that a violation exists shall be deemed a separate offense.

- (11) Section 115.3 is amended to read as follows:

115.3 Unlawful continuance. Any person who shall continue work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not more than \$1,000.00 for each offense. Each day that a violation exists shall be deemed a separate offense.

- (12) Section 901.1.1 is added to read as follows:

901.1.1 International Fire Code. The requirements of this chapter shall include any additional amendments to the 2015 International Fire Code.

- (13) Section 1008.3.3 is amended to read as follows:

1008.3.3 Rooms and Spaces. In the event of power supply failure, an emergency electrical system shall automatically illuminate all of the following areas:

1. Electrical equipment rooms.
2. Fire command centers.
3. Fire pump rooms.
4. Generator rooms.
5. Public restrooms.

- (14) Chapter 11 ACCESSIBILITY is deleted in its entirety and replaced as follows:

Section 1101 GENERAL

1101.1 Scope. The provisions of the Illinois Accessibility Code shall control the design and construction of facilities for accessibility for individuals with disabilities.

- (15) Chapter 13 ENERGY EFFICIENCY is deleted in its entirety and replaced as follows:

Section 1301 GENERAL

1301.1 Scope. The provisions of the Illinois Efficient Buildings Act, adopting the International Energy Conservation Code with State of Illinois amendments, shall govern the design and construction of buildings for energy efficiency.

- (16) Section 1806.2 is amended to read as follows:

1806.2 Presumptive load-bearing values. The load-bearing values used in design for supporting soils near the surface shall not exceed the values specified in Table 1806.2 unless data to substantiate the use of higher values are submitted and approved. Where the building official has reason to doubt the classification, strength or compressibility of the soil, the requirements of Section 1803.5.2 shall be satisfied.

Presumptive load-bearing values shall apply to materials with similar physical characteristics and dispositions. Mud, organic silt, organic clays, peat or unprepared fill shall not be assumed to have a presumptive load-bearing capacity unless data to substantiate the use of such a value are submitted.

Exceptions:

1. A presumptive load-bearing capacity shall be permitted to be used where the building official deems the load-bearing capacity of mud, organic silt or unprepared fill is adequate for the support of lightweight or temporary structures.
2. Depending on the use, the building official may accept designs based upon an assumed soil bearing capacity of 1500 psf provided all of the following conditions are met:
 - a. The building height does not exceed one (1) story or 20 feet in buildings which contain masonry or concrete walls.
 - b. The building height does not exceed one (1) story or 25 feet in buildings which do not contain any masonry or concrete walls.
 - c. The foundation is shallow and the building does not include a basement.
 - d. The building seismic use group is not Category II or III as listed in Table 1604.5.
 - e. Footing bear on virgin soil that is not questionable, including, but not limited to, plastic, liquefied, highly sensitive clays, weakly cemented, peats or organic and expansive materials.

Prior to issuance of a building permit, a statement in accordance with Section 1704.1.1 shall be submitted by the permit applicant including the name of the design professional or qualified soils engineer who will be conducting the inspection.

Following excavations and prior to pouring of foundations, a site inspection and written report shall be prepared by a licensed design professional or qualified soils engineer to indicate that no questionable soils have been discovered. A copy of

the inspection report shall be submitted to the building official prior to inspection listed in Section 109.3.1.

- (17) Chapter 29 PLUMBING SYSTEMS is deleted in its entirety and replaced as follows:

Section 2901 GENERAL

2901.1 Scope. Plumbing for new and existing structures shall comply with the Illinois Plumbing Code.

2901.2 Stormwater drainage. Stormwater drainage shall comply with Chapter 11 of the 2015 International Plumbing Code.

- (18) Appendix F “Rodentproofing” is incorporated as part of this Code.
- (19) Appendix G “Flood-Resistant Construction” is incorporated as part of this Code.
- (20) Appendix I “Patio Covers” is incorporated as part of this Code.

BE IT FURTHER ORDAINED, that the penalty for violation of any of the provisions of the 2015 ICC International Building Code shall be a fine of not more than \$1,000.00 for each offense and that each day that a violation exists shall be considered a separate offense; nothing herein, however, shall preclude enforcement proceedings by means other than a fine, including injunction proceedings.

BE IT FURTHER ORDAINED, that the previously adopted 2003 ICC International Building Code is hereby repealed, provided that such repeal shall not affect the right of the County to institute any action at law or equity to require compliance or prosecute violations thereunder; it being the intention of the County to preserve the cause of action and not to excuse any violation under the previous code.

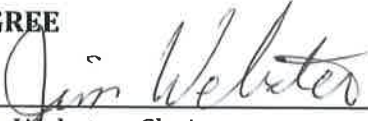
BE IT FURTHER ORDAINED, that if there is any conflict between the 2015 ICC International Building Code and other codes adopted by the County, the most restrictive provision shall prevail.

BE IT FURTHER ORDAINED, that the 2015 International Building Code shall become effective April 1, 2016 and that the County Clerk is hereby directed to distribute a certified copy of this Ordinance to the Winnebago County Building Official and the Winnebago County State’s Attorney’s Office – Civil Bureau.

Respectfully submitted,

**ZONING
COMMITTEE**

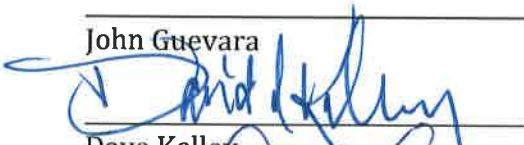
AGREE



Jim Webster, Chairman

Angie Goral

John Guevara



Dave Kelley



Faye Lyon

Julio Salgado



Steve Schultz

DISAGREE

Jim Webster, Chairman

Angie Goral

John Guevara

Dave Kelley

Faye Lyon

Julio Salgado

Steve Schultz

The above and foregoing Ordinance was adopted by the County Board of the County of Winnebago, Illinois, this 10th day of March, 2016.



Scott H. Christiansen
Chairman of the County Board
of the County of Winnebago, Illinois

Attested by:



Margie M. Mullins
Clerk of the County Board
of the County of Winnebago, Illinois