

AN ORDINANCE  
ADOPTING THE INTERNATIONAL EXISTING BUILDING CODE 2015  
AS THE BUILDING CODE FOR THE CITY OF ELGIN

WHEREAS, the City of Elgin is a home rule unit pursuant to the Constitution of the State of Illinois and, as a home rule unit, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the regulation of building and construction activities within the City relates to the public health, safety and welfare, and pertains to the government and affairs of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELGIN, ILLINOIS:

Section 1. That Chapter 16.06 entitled "Existing Building Code" be and is hereby added to the Elgin Municipal Code, 1976, as amended, to read as follows:

"Chapter 16.06  
EXISTING BUILDING CODE

Sections:

- 16.06.010 Adopted-Exceptions.
- 16.06.020 Additions, Insertions, and Changes.
- 16.06.030 Construction Operations.
- 16.06.040 Conflicts With Other Provisions.

16.04.010 ADOPTED-EXCEPTIONS.

That a certain document, one (1) copy of which is on file in the office of the City Clerk of the City of Elgin, being marked and designated as the *International Existing Building Code 2015*, as published by the International Code Council, be and is hereby adopted as and shall be known as the Existing Building Code of the City of Elgin for establishing minimum regulations governing the alteration, addition, repair, removal, demolition, location, occupancy, and maintenance of all existing buildings and structures; and each and all of the regulations, provisions, penalties, conditions and terms of said *International Existing Building Code 2015* are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes prescribed in this chapter.

16.04.020 ADDITIONS, INSERTIONS AND CHANGES.

The *International Existing Building Code 2015* is amended and revised in the following respects:

Section 101.1 Title, shall be amended to read as follows:

These regulations shall be known as the Existing Building Code of the City of Elgin,

hereinafter referred to as “this chapter” or “this code.”

Section 103.1 Creation of enforcement agency, shall be amended to read as follows:

The Community Development Department may be referred to as the department of building safety for the purposes of this chapter and the Director of the Community Development Department may be referred to as the code official, building official, building code official, or official for the purposes of this chapter. Any reference to the terms code official, building official, building code official, or official in this code shall also include the authorized designee of such code official, building official, building code official or official.

Section 103.2 Appointment, shall be deleted in its entirety.

Section 103.3 Deputies, shall be deleted in its entirety.

Section 104.4 Inspections, shall be amended to read as follows:

The building official, or designee, shall make all of the required inspections. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise.

Section 104.7 Department records, shall be deleted in its entirety.

Section 104.8 Liability, shall be deleted in its entirety.

Section 104.8.1 Legal defense, shall be deleted in its entirety.

Section 105.1 Required, shall be amended to read as follows:

Any owner or authorized agent who intends to add to, relocate, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, add, alter, repair, remove, convert, or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code or any other code adopted by the City of Elgin or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Section 105.1.1 Annual permit, shall be deleted in its entirety.

Section 105.1.2 Annual permit records, shall be deleted in its entirety.

Section 105.2 Work exempt from permit, subsection entitled Building, #1 shall be deleted in its entirety.

Section 105.2 Work exempt from permit, subsection entitled Building, #3 shall be deleted in its entirety.

Section 105.2 Work exempt from permit, subsection entitled Mechanical, #4 shall be amended to read as follows:

Steam, hot or chilled water piping within any heating or cooling equipment, used for production only.

Section 105.3.1 Action on application, shall be amended to read as follows:

The building official, or designee, shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing, relative to the resources available to the City for such examination in the City's sole discretion. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official, or designee, shall reject such application in writing, stating the reasons therefore. If the building official, or designee, is satisfied that the proposed work conforms to the requirements of this code and any other codes adopted by the City of Elgin, laws, and ordinances applicable thereto, the building official, or designee, shall issue a permit therefore as soon as practicable.

Section 105.7 Placement of permit, shall be amended to read as follows:

- A. A true copy of the building permit shall be kept on the site of operations, open to public inspection during the entire time of prosecution of the work and until the completion of the same.
- B. A placard issued by the code official shall be posted at the site of operations, which placard shall be posted at an exterior location not more than 100 feet from the lot line of the subject property nearest to any street or other thoroughfare. Such placard shall contain the following information:
  - 1. Address of the property for which the permit was issued.
  - 2. The number of the building permit, as provided by the Community Development Department.
  - 3. A description of the permit type issued.
  - 4. The date of the permits issuance.
  - 5. The name(s) of the permit holder(s) and contractor(s) performing the work authorized in the permit.
  - 6. The signature of the code official.

Section 107.3 Temporary power, shall be amended to read as follows:

The building official, or designee, may authorize the temporary supply and use power in

part of an electric installation before such installation has been fully completed and a final certificate of completion has been issued. The part of an electric installation covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power as set forth in Chapter 16.24 of the Elgin Municipal Code, 1976, as amended.

Section 108.2 Schedule of permit fees, shall be amended to read as follows:

The fee for each plan examination, building permit, and inspection shall be paid in accordance with Chapter 16.48 of the Elgin Municipal Code, 1976, as amended.

Section 109.3.5 Lath or gypsum board inspection, shall be amended to read as follows:

Insulation inspection: After all rough inspections are completed and before drywall or plaster lath is installed an insulation inspection is required.

Section 109.4 Inspection agencies, shall be deleted in its entirety.

Section 109.5 Inspection requests, shall be amended to read as follows:

It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection at least 24 hours prior to the inspection request time. It shall be the duty of the permit holder to provide access to and means for inspection of such work for any inspections that are required by the code.

Section 110.1 Altered area use and occupancy classification change, shall be amended to read as follows:

Altered areas of a building, structure, tenant space and relocated buildings shall not be used or occupied, and change in the existing use or occupancy classification of a building, structure, tenant space, relocated building or portion thereof shall not be made until the code official has issued a certificate of occupancy thereof as provided herein. The certificate of occupancy shall be posted in a visible area in the building, structure or tenant space. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of any other codes or ordinances of the City of Elgin, or of any other laws that are applicable thereto.

Section 110.1.1 entitled Certificate of Re-occupancy, shall be created to read as follows:

Certificate of Re-occupancy. Any person seeking to establish an occupancy in an existing building or any portion thereof shall be required to obtain a Certificate of Re-occupancy. Every Certificate of Re-occupancy shall state that the new occupancy complies with all applicable provisions of the Elgin Municipal Code, 1976, as amended, including the Building Code, Plumbing Code, Heating, Ventilating and Mechanical Code, Fire Prevention Code and zoning ordinance and that all building systems are operational.

Section 110.3 Temporary occupancy, shall be amended to read as follows:

The building official may issue a temporary certificate of occupancy before the completion of the entire work covered by the permit provided that the portion or portions of the building or structure that are to be occupied meet all health and safety standards and requirements. The building official shall issue a letter stating the time period in which all required work is to be completed and such letter shall be signed by the permit holder or his or her authorized representative. The letter shall contain specific dates for the completion

of each outstanding item. The failure to complete each outstanding item by the specified date shall result in the revocation of the temporary certificate of occupancy and the vacation of the building or structure within 24 hours.

Section 110.5 Partial occupancy, shall be created to read as follows:

The building official is authorized to issue a partial occupancy for the installation of machines, equipment, furniture, or other items required before the commencement of business. The portion of the building or structure that is to be occupied must meet all health and safety standards and requirements.

Section 112.1 General, shall be amended to read as follows:

In order to hear and decide appeals of orders, decisions, or determination made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall consist of the Building Commission members and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.

Section 112.3 Qualifications, shall be deleted in its entirety.

Section 113.4 Violation penalties, shall be amended to read as follows:

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions or the code, shall be subject to penalties as prescribed by Chapter 1.20 of the Elgin Municipal Code, 1976, as amended.

Section 114.2 Issuance, shall be amended to read as follows:

The stop work order shall be in writing and shall be posted on the property where the violation exists. All persons working in the building or structure at that time of the posting of the stop work order shall be notified that the stop work order was posted. Upon issuance of a stop work order the cited work shall immediately cease. The stop work order shall state the reasons for the issuance of the order.

Section 302.2 Additional codes, shall be amended to read as follows:

*Alterations, repairs, additions and changes of occupancy* to, or relocation of, *existing buildings* and structures shall comply with the provisions for *alterations, repairs, additions and changes of occupancy* or relocation, respectively, in this code and the State of Illinois Energy Conservation Code, *International Fire Code*, National Fuel Gas Code, *International Mechanical Code*, State of Illinois Plumbing Code, *International Property Maintenance Code*, *International Residential Code* and NFPA 70. Where provisions of the other codes conflict with provisions of this code, the provisions of this code shall take precedence.

Section 403.1 General, Exception No. 1 shall be amended to read as follows:

1. An existing stairway shall not be required to comply with the requirements of Section 1011 of the *International Building Code* or Section R311.7 of the *International*

*Residential Code* where existing space and construction does not allow a reduction in pitch or slope.

Section 410.1 Scope, shall be amended to read as follows:

The provisions of Sections 410.1 through 410.9 apply to maintenance, *change of occupancy, additions, and alterations to existing buildings*, including those identified as *historic buildings*. All work shall conform to the requirements of the State of Illinois Accessibility Code.

Section 609.1 Materials, shall be amended to read as follows:

Plumbing materials and supplies that are prohibited in the State of Illinois Plumbing Code, as amended by Chapter 16.20 of the Elgin Municipal Code, shall not be used for repairs.

Section 702.6.1 International Fuel Gas Code, shall be retitled “National Fuel Gas Code”, and shall be amended to read as follows:

The National Fuel Gas Code shall constitute the fuel gas materials and methods requirements for Level 1 alterations.

Section 705.1 General, shall be amended to read as follows:

A *facility* that is altered shall comply with the applicable provisions of the State of Illinois Accessibility Code unless it is *technically infeasible*. Where compliance with this section is *technically infeasible*, the alteration shall provide access to the maximum extent that is technically feasible.

A *facility* that is constructed or altered to be accessible shall be maintained accessible during occupancy.

Section 706.1 General, shall be amended to read as follows:

Materials and methods of application used for recovering or replacing an existing roof covering shall comply with the requirements of Chapter 15 of the *International Building Code*, as amended by Chapter 16.04 of the Elgin Municipal Code, or Chapter 9 of the *International Residential Code*, as amended by Chapter 16.36 of the Elgin Municipal Code.

Section 806.2 Stairways and escalators in existing buildings, shall be amended to read as follows:

In alterations where an escalator or stairway is added where none previously existed, an accessible route shall be provided in accordance with the State of Illinois Accessibility Code.

Section 810.1 Minimum fixtures, shall be amended to read as follows:

Where the occupant load of the story is increased by more than 20 percent, the plumbing fixtures for the story shall be provided in quantities specified in the State of Illinois Plumbing Code, as amended by Chapter 16.20 of the Elgin Municipal Code, based on the increased occupant load.

Section 1010.1 Increased demand, shall be amended to read as follows:

Where the occupancy of an existing building or part of an existing building is changed such that the new occupancy is subject to increased or different plumbing fixture requirements

or to increase water supply requirements in accordance with the State of Illinois Plumbing Code, the new occupancy shall comply with the State of Illinois Plumbing Code provisions, as amended by Chapter 16.20 of the Elgin Municipal Code.

Section 1010.2 Food-handling occupancies, shall be amended to read as follows:

If the new occupancy is a food-handling establishment, all existing sanitary waste lines above food or drink preparation or storage areas shall be panned or otherwise protected to prevent leaking pipes or condensation on pipes from contaminating food or drink. New drainage lines shall not be installed above such areas and shall be protected in accordance with the State of Illinois Plumbing Code, as amended by Chapter 16.20 of the Elgin Municipal Code.

Section 1010.3 Interceptor required, shall be amended to read as follows:

If the new occupancy will produce grease or oil-laden wastes, interceptors shall be provided as required in the State of Illinois Plumbing Code, as amended by Chapter 16.20 of the Elgin Municipal Code.

Section 1010.5 Group I-2, shall be amended to read as follows:

If the occupancy group is changed to I-2, the plumbing system shall comply with the applicable requirements of the State of Illinois Plumbing Code, as amended by Chapter 16.20 of the Elgin Municipal Code.

Section 1101.2 Creation or extension of nonconformity, shall be amended to read as follows:

An addition shall not create or extend any nonconformity in the existing building to which the addition is being made with regard to accessibility, structural strength, fire safety, means of egress, the capacity of mechanical, plumbing, or electrical systems, or the Elgin Zoning Ordinance.

Section 1302.1 Location on the lot, shall be amended to read as follows:

The building shall be located on the lot in accordance with the requirements of the City of Elgin Zoning Ordinance, the International Building Code, as amended by Chapter 16.04 of the Elgin Municipal Code, or the International Residential Code, as amended by Chapter 16.36 of the Elgin Municipal Code, as applicable.

#### 16.06.030 CONSTRUCTION OPERATIONS.

Construction or alteration operations shall not be carried on prior to sunrise or after sunset unless approved in writing by the building official. On Sundays the permitted hours for construction or alteration shall be from 9 a.m. to 6 p.m.

#### 16.06.040 CONFLICTS WITH OTHER PROVISIONS.

When a provision of this chapter conflicts with any other provision of the Elgin Municipal Code regulating the same subject matter, either as presently adopted or to be adopted or amended in the future, the more stringent or restrictive provision shall apply."

Section 2. That all ordinances or parts of ordinances in conflict with the provisions of this

ordinance be and are hereby repealed.

Section 3. That this ordinance shall be in full force and effect immediately after its passage in the manner provided by law.

s/ David J. Kaptain  
David J. Kaptain, Mayor

Presented: July 11, 2018  
Passed: July 11, 2018  
Omnibus Vote: Yeas: 8 Nays: 0  
Recorded: July 11, 2018  
Published: July 12, 2018

Attest:

s/ Kimberly Dewis  
Kimberly Dewis, City Clerk