

## **Chapter 23**

### **BUILDING CODE**

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#### **23.01            ADOPTION OF BUILDING CODE** *Amended, 476, 442, 391*

Subject to the modifications set forth herein, the following list of codes are hereby adopted and amended as part of the Village Building Code for the control of buildings and structures as therein provided in each code. Each and all of the regulations, provisions, penalties, conditions and terms contained in each code described below are hereby referred to, adopted and made a part hereof as if fully set forth in this Chapter:

1.     The International Building code, 2006 edition, published by the International Code Council (“Building Code”);
2.     The International Residential Code for One- and Two-Family Dwellings, 2006 edition, published by the International Code Council (“Residential Code”);
3.     The International Mechanical Code, 2006 edition, published by the International Code Council (“Mechanical Code”);

4. The International Fuel Gas Code, 2006 edition, published by the International Code Council (“Fuel Gas Code”);
5. The International Property Maintenance Code, 2006 edition, published by the International Code Council (“Property Maintenance Code”);
6. The International Energy Conservation Code, 2006 edition, published by the International Code Council (“Energy Conservation Code”);
7. The International Wildland-Urban Interface Code, 2006 edition, published by the International Code Council (“Wildland-Urban Interface Code”);
8. The International Fire Prevention Code, 2006 edition, published by the International Code Council (“Fire Prevention Code”);
9. State of Illinois Plumbing License Law, Plumbers Licensing Code and Plumbing Code, latest edition with amendments, printed by Authority of the State of Illinois Department of Public Health (“Plumbing Code”);
10. The National Electric Code (NFPA 70), 2005 edition, published by the National Fire Protection Association, Quincy, MA (“Electric Code”); and
11. Life Safety Code (NFPA 101, issued by the National Fire Protection Association (“Life Safety Code”).

**23.02 EXCEPTIONS** *Amended, 476, 442, 391*

Each and all of the regulations, provisions, penalties, conditions and terms contained in each code adopted herein are hereby referred to adopted and made a part hereof as if fully set forth in this Chapter, except as provided below:

1. All words contained in the codes, which refer to the municipality or other words of similar meaning, including “jurisdiction,” shall mean the Village of Prairie Grove.
2. The words “municipal authority” or “government authority” or “chief appointing authority of the jurisdiction” or “applicable governing authority” or words of similar meaning shall, for purposes of this subsection, mean the Village Board.
3. The words “enforcing officer,” “hearing officer,” “building inspector,” “building official” or other words of similar meaning shall refer to the person or entity designated by the Village Board to act in that capacity.
4. Water supplies shall not be placed on outside walls.
5. Property identification shall be posted on each lot prior to excavation and remain through final inspection. Materials used for said identification shall not fade and permit the attachment of inspection reports.

6. No exterior painting shall be permitted when weather conditions may drop below 40 degrees Fahrenheit within 24 hours. Only oil or alkyd base primer shall be permitted.
7. All exterior walls shall be constructed with an approved moisture barrier, which shall be installed directly beneath the exterior siding so as to create a breathable drainage plane. Barriers with limited vapor diffusion characteristics such as polyethylene shall not be permitted.
8. All wall framing shall be 16 inches on center.
9. All sheathing shall be free of cracks, holes, rips and tears. Any damaged sheathing shall be replaced. There shall be no unbacked seams in sheathing between studs, horizontal or vertical.
10. Omit "International Zoning Code," insert "Village of Prairie Grove Zoning Code."
11. Omit "International Plumbing Code," insert "Illinois State Plumbing Code."
12. Omit "ICC Electrical Code," insert "National Electrical Code."

**23.03**            **SPECIFIC AMENDMENTS TO THE CODES** *Amended, 567, 476*

A.     **BUILDING CODE EXCEPTIONS:** Exceptions to the Building Code shall be as follows:

1.     Section 105, Permits: Delete this section in its entirety.
2.     Section 108, Fees: Delete this section in its entirety.
3.     Section 1805.4.6: Delete this subsection in its entirety.
4.     Section 2308.3.3.1: Delete this subsection in its entirety.
5.     Chapter 27, Electrical, Chapter 28, Mechanical, and Chapter 29 Plumbing: delete these chapters in their entirety.
6.     Appendix B, Board of Appeals, Appendix H, Signs, Appendix I, Patio Covers, Appendix J, Grading, and Appendix K, ICC Electrical Code: delete these appendices in their entirety.

B.     **RESIDENTIAL CODE EXCEPTIONS:** Exceptions to the Residential Code shall be as follows:

1.     The following sections are deleted in their entirety: R103.3, R105, R108.5, R112, R302, R304.4, R309.1.1, R309.5, R316.3, R316.4, R316.5, R320, Figure R403.1(2), R403.1(3), R403.3.3(1), R404.1.8, R404.2, Table R404.2.3d, R408.6, R408.7, R505, R603, R804, and Chapters 11 through 42.

2. All references to Oriented Strand Board (OSB) for roof sheathing and all roof sheathing of less than 15/32 inch thickness shall be deleted.
3. R104.2 shall read as follows: The Building Official shall receive applications, review construction documents, inspect the premises for which permits have been issued and enforce compliance with the provisions of this Residential Code. All permits for the erection and alteration of buildings or structures shall be approved by the Architectural Review Commission before issuance.
4. R104.11: Shall be amended by deleting “building official” and replacing with “Architectural Review Commission” and deleting the last sentence in its entirety.
5. R104.11.1: Shall be amended by deleting “building official” and replacing with “Architectural Review Commission.”
6. R301, Table 301.2(1): Insert “30 psf” for GROUND SNOW LOAD; insert “90 mph basic wind speed” for WIND SPEED; insert “B” for SEISMIC DESIGN CATEGORY; INSERT “severe” for WEATHERING; insert “minimum 42 inches” for FROST LINE DEPTH; insert “Moderate to Heavy” for TERMITES; insert “-4 F degrees” for WINTER DESIGN TEMPERATURE, insert “Yes” for ICE BARRIER UNDERLAYMENT REQUIRED, insert “1972” for FLOOD HAZARD, insert “1800 bf days per 100 years” for AIR FREEZING INDEX, and insert “48 F degrees” for MEAN ANNUAL TEMPERATURE.
7. R305.1: Shall read as follows: The required floor area of a habitable room on the first floor of a dwelling is permitted to have a sloped ceiling less than 9 feet in height as long as 80 percent of the room has minimum ceiling heights of 9 feet. Laundry rooms, bathrooms and closets are exempt from the 9-foot height requirement.
8. R309.1: The second sentence shall read: Other openings between the garage and residence shall be equipped with either solid wood doors not less than 1 3/4 inch (45mm) in thickness or minimum 1-hour fire-rated doors.
9. R309.2: Shall read as follows: The garage shall be separated from the residence and its entire attic area by means of minimum 5/8 inch (15.9 mm) type X gypsum board applied to the garage side. The gypsum board shall be taped tight with 2 coats.
10. R310.1: The second reference to “with habitable space” shall be deleted.
11. R310.4: Add the following: Steel grate covers or transparent plastic covers are required over all escape window wells. Those covers shall meet the requirements of Section R310.3.

12. R311.5: Add the following: All dwellings shall be required to have a minimum of 1 exit from the basement meeting the requirements of Section R310.
13. R311.5.4: Add R311.5.4.1, Shall read as follows: All required landings shall be properly supported by a minimum of 2 concrete wing walls measuring a minimum of 6 inches wide or a minimum of two 8 inch diameter solid concrete piers extending a minimum of 42 inches below finished grade or extending to bear on undisturbed soil.
14. R311.5.4: Add R311.5.4.2, which shall read as follows: All landings constructed of concrete shall rest on the concrete foundation or shall be properly attached with a minimum of 2 #4 steel rebar, one-half-inch in diameter, properly pinned to the concrete foundation.
15. R311.5.4: Insert the following under Exceptions: Where a sliding glass door is installed, the landing on the exterior can be reduced to between 12 inches and 16 inches projection from the edge of the kick board. The landing shall extend a minimum of 6 inches beyond each end of the sliding glass door opening, “in the full position.” Only 1 reduced landing shall be allowed meeting those requirements.
16. R316.2: Shall read as follows: Insulation standards. All insulation for roofs shall be constructed of material with a thermal resistance (R-value) of not less than R-30. All exterior walls shall be constructed of a material with a thermal resistance of not less than R-15. All garage ceilings shall be insulated with a minimum thermal resistance of R-30 where habitable space exists above that ceiling area, including unfinished bonus rooms, prior to the installation of drywall.
17. R317.1: “not less than a 1-hour” shall be changed to “not less than 2-hour.”
18. R317.2: “meeting the requirements of Section 302 for exterior walls” shall be changed to “not less than a 2-hour fire resistance rating when tested in accordance with ASTM E 119.”
19. R317.2: Delete “Exception” in its entirety.
20. R321: Insert the following: In all cases, address numbers shall be permanently affixed to the building.
21. R321: Add R321.1.1, which shall read as follows: The minimum size numbers shall be 3 inches on houses within 60 feet from the edge of the street or curb. The minimum size numbers shall be 4 inches where the building is more than 60 feet from the edge of the street or curb.

22. R321: Add R321.1.2, which shall read as follows: Where the building is not clearly visible from the street, the address numbers shall also be permanently affixed to the mailbox, mailbox post or other post or sign designated for the address numbers, plainly visible and legible from the street or road fronting the property.
23. R401, R402, R403, R404, R405, R406 and R504: Any references to wood foundations shall be deleted. Wood foundations are prohibited within the Village.
24. R401.1: After the first sentence, it shall read as follows: All dwelling units shall be constructed with basements. All 2-story dwelling units shall have a basement constructed under 90 percent of the first floor area, except for the area occupied by the garage. All one-story dwelling units shall have a basement constructed under a minimum of 75 percent of the first floor area (except for the areas occupied by bump out areas, such as the garage, kitchen eating area or any 3-season or screened porch), or 1,500 square feet, whichever is greater.
25. R401: Add R401.5, which shall read as follows: Radon Protection. All dwelling units shall be constructed with passive radon protection piping stubbed in from the basement to the attic. This passive radon protection piping shall be constructed to allow the homeowners to install a radon protection system in the event that a future test indicates the presence of radon.
26. Table R404.1.1(1): Delete the following: All plain concrete and plain masonry foundation walls less than 8-inch nominal wall thickness. The minimum plain concrete and plain masonry foundation wall thickness shall be 8 inches nominal wall thickness.
27. R403: The reference pertaining to footings shall be deleted in its entirety.
28. R407.1: Add the following: Wood columns are prohibited from supporting steel beams.
29. R408.6: Add the following: An approved polyethylene vapor barrier with joints lapped no less than 6 inches, covered by a 2-inch concrete slush coat, is required in all crawl spaces. The concrete slush coat shall be pitched toward and allowed to drain into the easement area unless a floor drain is installed and connected to the storm sewer system.
30. Table R503.1: Insert the following: OSB shall not be used for the subfloor sheathing. The minimum thickness for subfloor sheathing shall be  $\frac{3}{4}$ -inch. Unsupported edges shall have tongue and groove joints or shall be supported by a minimum 2-inch by 4-inch blocking between joist members directly below unsupported edges.

31. R503 and Table R503.1: Delete all references to OSB for subfloors and all subfloor sheathing of less than ¾-inch thickness.
32. Table R503.1: Dimension of 11/16 in the second row and dimension of 5/8 in the third row shall each be changed to three-quarter.
33. Table R602.3(4): Dimension of 3/8 inch shall be changed to ½-inch.
34. R602.5: In the first sentence change 2-inch by 3-inch to 2-inch by 4-inch.
35. R613.1: Shall read as follows: All exterior windows shall be insulated glass thermopane.
36. Table R702.3.5: Delete all references to 3/8 inch gypsum board.
37. R803.1: Insert at the end: OSB shall only be used for roof sheathing where it is APA-rated structural grade or better. The minimum thickness for roof sheathing shall be 15/32 inch. Unsupported edges of roof sheathing installed on framing over 16 inches on center shall require H-clips or other methods of reinforcement. H-clips are not required between framing members 16 inches on center or less. Valley and roof edges shall be constructed with ice and water prevention material extending 3 feet from the front roof edge and valley.
38. R902.1: Insert at the end: The minimum product weight for asphalt and fiber glass shingles shall be 245 pounds per square or shall have a minimum 30-year limited warranty period.
39. R905.2.5: Insert at the end: Staples shall not be used as fasteners for asphalt shingles.
40. Chapters 11 through 42: Delete these chapters in their entirety.
41. Appendices A through P: Delete these appendices in their entirety.

C. MECHANICAL CODE EXCEPTIONS: Exceptions to the Mechanical Code shall be as follows:

1. Section 106, Permits: Delete this section in its entirety.
2. Section 301: Add subsection 301.16 “Panning of Joist and Stud Spaces. Panning of joist and stud spaces for supply or return purposes is prohibited.”

D. FUEL GAS CODE: Exceptions to the Fuel Gas Code shall be as follows:

1. Section 106, Permits: Delete this section in its entirety.

2. Section 304.1: Insert at the end: Calculations for combustion, ventilation and dilution air requirements shall be submitted to the Building Department for approval upon request. All calculations shall be done by a licensed mechanical contractor or an Illinois licensed mechanical engineer.
3. Section 304.6: Insert at the end: All openings for outside combustion air shall be on the rear of the structure. No openings for outside combustion air shall be located on the front or side walls or the front or side roofs of any structure. Exception: The opening may be located on the side if structure is located a minimum of 100 inches from side lot line.
4. Section 403.5.4: Shall read as follows: Corrugated stainless steel tubing shall not be allowed for piping systems. Only corrugated stainless steel tubing may be used for the connection of a gas fired appliance to the piping.
5. Add Section 403.6.3 Exposed plastic pipe, tubing and fittings. Plastic pipe, tubing or fittings exposed to the elements where accessible above grade shall be protected to a minimum height of 6 inches above grade to prevent damage from mowers, trimmers or other lawn care equipment.
6. Section 503.5.4: Insert at the end: Chimney terminations shall not be located on the street side of any residence including the street side of corner lots.

E. PROPERTY MAINTENANCE CODE EXCEPTIONS: Exceptions to the Property Maintenance Code shall be as follows:

1. Section 111: "Means of Appeal" shall be amended by changing the "three member requirement" to "Board of Appeals, alternate members, chairman, and secretary."
2. Section 302.3: Add: "Risers at stairs, stoops, and landings shall be maintained and shall not exceed the maximum riser height allowed by code."
3. Section 306.1: Add to end of the current text: "Where handrails and guardrails are missing or all are in need of such repair that complete replacement is required, the new handrails and guardrails shall be installed in accordance with Section R315 and B316 of the Residential Code or in accordance with Section 1021.0 and 1022.0 of the BOCA National Building Code, 1996 edition, for commercial structures."
4. Section 602.3: Delete "[DATE] to [DATE]" and insert "September 30 to April 30," and delete "Appendix D of the International Building Code" and insert "Plumbing Code."
5. Section 602.4: Delete "[DATE] to [DATE]" and insert "September 30 to April 30."



F. WILDLAND-URBAN INTERFACE CODE EXCEPTIONS: Section 101.2 shall be amended to add the following sentence at the end of the first sentence: “This code shall only apply to new subdivisions and developments that have access to an adequate fire protection water supply.”

G. FIRE PREVENTION CODE EXCEPTIONS: Exceptions to the Fire Prevention Code shall be as follows:

1. Section F101.1: Insert “Fire Protection District” (the fire district/department serving the subject property) (“District/Department”).
2. Section F501.1: Add the following: “Any real property within the Village, except single family residences, located within 200 lineal feet of a potable water source provided by Illinois American within the Village that is issued a building or development permit after June 1, 2008, shall 1) connect to the water source and provide a water main capable of providing fire suppression within one year and 2) install the fire suppression system within two years of the connection. Such fire suppression system shall be installed pursuant to the fire prevention code of the applicable fire protection district. With regard to building permits issued prior to June 1, 2008, where fire suppression is required by the applicable fire prevention code, sufficient alternative methods for fire detection and suppression, as determined by the Building Commissioner and applicable fire protection district, shall be required.”

#### **23.04 BUILDING PERMITS** *Amended, 567*

A. No building or structure shall hereafter be erected or altered until a building permit is issued by the Building Inspector. A permit shall not be issued unless the proposed construction and use of the land comply with the ordinances of the Village.

B. When a building permit application is submitted to the Building Department, the Building Inspector shall reject the application or issue a permit within 30 days after a permit application is received for a single or multiple-family dwelling and within 60 days after a permit application is received for a commercial or industrial building. In the event a permit application is rejected the reasons shall be put in writing.

C. Building permit applications shall not be considered accepted until all required documentation has been filed with the Building Department. The Building Department shall have available to the public, in written form, what documentation shall accompany a building permit application.

D. As a condition of issuance of a building permit the applicant shall provide the Village with plans certified to be in compliance with the most recent BOCA Basic Fire Prevention Code.

E. APPLICATIONS FOR PERMITS:

1. General Provisions:

- (a) The application for a permit shall be in writing using forms provided by the Village. A permit application is not considered complete until all applicable items of information on said forms have been provided, and all accompanying information as required in this Section has been furnished.
- (b) Each application shall be signed by the owner or his authorized agent (the “applicant”).
- (c) A permit may be amended during the course of work according to the regulations provided for in this Chapter and the payment of any applicable fees. However, any alterations or additions to be made after completion of the work shall require the issuance of another permit.
- (d) The Village may adopt reasonable administrative procedures for the processing of permit applications from time to time in order to better carry out the purposes, intent and regulations of this Chapter.

2. Information Accompanying Permit Applications:

- (a) Each building permit application shall be accompanied by the following material:
  - (1) Two full sets of drawings of the proposed construction showing the location of the building(s), existing and proposed topography, drainage plan, setbacks, easements, roadways, neighboring lots and top of foundation. All pages of said drawings shall be signed and stamped by an Illinois licensed architect or engineer. Said signatory shall also certify that the submitted plans meet the minimum standards under all applicable building codes of the Village.
  - (2) Two copies of the plat of survey of the lot, not more than 1 year old, showing the existing and proposed building(s), structure(s), underground facilities, easements and driveways, as well as building footprints on all immediately adjoining lots.
  - (3) If the scope of the structural work is minor and limited in detail, the Building Inspector shall have the discretion of modifying any portion of this requirement.
  - (4) Payment of the following fees:

Building Permit and Administrative Fees found in Exhibit A of this Chapter.

Grading plan review fee for Village Engineer inspection upon completion of the project. If the final grading does not match the original plans, additional inspections may be required. All costs incurred for additional inspections shall be paid by the permittee.

Fire district impact fee pursuant to this Code.

Municipal impact fee pursuant to this Code.

Educational Facilities Impact Fee pursuant to this Code (assuming the required agreement to defer payment is signed and filed with the Village).

Educational Use Transition Fee pursuant to this Code (assuming the required agreement to defer payment is signed and filed with the Village).

Park and Recreational Land Dedication Fee pursuant to the Code if not paid at time of plat approval.

Municipal property damage deposit pursuant to this Chapter.

- (5) Signed copy of the Village's Building Rules and Regulations letter.
  - (6) Architectural approval letter from the homeowners association, if applicable.
  - (7) One copy of the approved drawings and McHenry County Health Department permit for the well and septic system.
  - (8) Engineered components certification.
- (b) The applicant is required to provide such additional descriptive information in drawn or written forms as to the location, use, materials and design of buildings and structures and appurtenances thereof, and interior or exterior fixtures, as required by this Chapter or by administrative procedures of the Village, in order for the Building Inspector to conduct a proper plan review to assure compliance with this Chapter prior to permit issuance. Such additional information may include, but is not limited to, truss certificates, manufacturer's "cut sheets," or product specifications and MSDS sheets.

3. Supplemental Information Required After Permit Issuance: The applicant shall furnish such other supplemental information during the course of construction as may be occasioned by inspections, if in the judgment of the Building Inspector additional information is required in order to determine if the construction will comply with the regulations of this Chapter. Such information may include, but is not limited to, results of soil tests, manufacturer's "cut sheets," product specifications or installation standards.

F. PERMIT APPLICATION APPEALS: An appeal may be taken from any decision or determination of the Building Inspector relating to plans, which were submitted for a building permit by any person, firm or corporation aggrieved thereby or by any officer, department, board or commission of the Village pursuant to the Building Code.

### **23.05 PROFESSIONAL FEES**

Any person, firm or corporation, upon filing plans for a permit with the Building Department, shall bear the cost, including but not limited to the fees charged by an architect, attorney, engineer or other professional assistance when those fees are incurred by the Building Department regarding any plan submitted to it for review and comment.

### **23.06 PERMIT/CONSTRUCTION SCHEDULE** *Amended, 567*

A. BEGINNING CONSTRUCTION: Any person or entity issued a building permit shall commence construction within 90 days of issuance of the building permit.

B. PRELIMINARY EXCAVATION: No excavation or ground stripping or tree or brush removal shall be allowed prior to the approval of the site plans by the Village Engineer and authorized by the Village.

C. SPOT SURVEY: Within 10 days after placement of concrete foundation walls, a spotted plat of survey shall be submitted to the Building Department for approval. The survey shall be certified by a licensed engineer or land surveyor and reflect the actual location and elevation of the structure. Completion of the structure shall continue only after the survey has been approved by the Building Department. If the foundation is found to be in violation of the approved grading plan the builder or owner shall submit a revised grading plan acceptable to the Village or remove the foundation. All fees and charges applicable to any proposal for a revised grading plan shall be paid by the Builder/Owner.

D. EXPIRATION OF PERMIT: Building permits shall expire if work is not completed within 12 months after issuance of the permit.

E. EXTENSION OF PERMIT: If, after a building permit has expired and the permitted work has not been completed, in order to continue the authorized work, the permit holder must request an extension of said permit from the Building Inspector . A permit may be extended up to 90 days upon a showing by the permit holder that the permitted work was not completed through no fault of his own. Up to two extensions of time may be granted. If the permit holder cannot show that the delay was through no fault of his own, the permit will be extended for no more than 30 days. However, notwithstanding this paragraph, the Village is not required to

extend any permit. Unless waived by the Village Board an extension permit fee equal to 25 percent of the original permit fee for each extension shall be required. If, after the expiration of two such extension periods, the authorized work is still not completed, the building permit shall become invalid and no further work may take place except upon the payment by the applicant of a fee in an amount equal to 100 percent of the original permit fee.

F. **LAPSE IN CONSTRUCTION:** If construction activity is dormant for 6 weeks during the permit period, the site must be graded and the foundation decked and protected, to the satisfaction of the Building Department, to eliminate any health and safety risks.

G. **FINAL INSPECTION:** A final inspection by the Building Department will be required for each permit issued.

H. **PERMIT FEE REFUND:** If, after the purchase of a permit and before any construction or inspection has begun, the permit holder requests a refund of permit fees, \$50 shall be retained for administrative and plan review services. When the permit fee is less than \$50, or the request is received more than 30 days from the permit issue date, or inspections or other services have been rendered, no refund will be given.

### **23.07 MUNICIPAL PROPERTY DAMAGE DEPOSITS** *Amended, 624, 476*

A. Before commencing any residential or commercial construction for which a building permit is required and which is not in an approved project covered by an acceptable Letter of Credit or performance bond for which a building permit is required, and before any natural gas pipeline maintenance work is performed within the Village, the Building Department will review the plans submitted for said permit and require the person obtaining the permit to pay the required permit fee and make a cash deposit with the Village to cover the cost of repairing any damage which may be done to Village property. The fees and deposit may be found in Exhibit A of this Chapter.

B. The deposit shall be held by the Village, at its discretion, for a period of not more than 2 years. If, after the two years, no damage has been incurred to Village property, the total amount of the deposit shall be returned to the party making the deposit upon request. Any deposit not claimed shall be forfeited, in accordance with applicable Village ordinances.

C. In the event the Village property sustains damage, that portion of the deposit necessary to effect repairs shall be retained by the Village; the balance shall be returned to the party making the deposit.

D. If the cost of repairs to the Village property exceeds the amount of the deposit such additional costs shall be charged to the owner of the property and/or the person issued the building permit and it shall become immediately due and payable upon the owner receiving written notice of the amount of which the cost of repairs exceeds the deposit.

### **23.08 DECKS**

A. **PERMIT REQUIRED:** A building permit is required prior to the installation of a deck, extension of an existing deck, or replacement of an existing deck. All decks require

approval from the Architectural Review Commission before the building permit is issued.

**B. CONSTRUCTION REQUIREMENTS:** All exterior deck framing shall be constructed of pressure preservative treated wood; all decking shall be decay resistant materials. Deck construction is governed by the following requirements:

1. Support for Deck Framing:

- a. Concrete piers shall be a minimum 8 inches in diameter with a minimum depth of 42 inches below the finished grade. Larger diameter pier holes may be required depending upon pier location and the supported load. Pier holes shall not be larger near the surface. Therefore, cylinder forms are recommended and may be required at time of inspection.
- b. Minimum wood support post size is 4 inches by 4 inches. Posts shall be anchored on concrete piers using rebar, anchor bolts or galvanized metal brackets. Posts shall not be sunk in concrete or in the ground.
- c. Ledger boards shall be fastened to house with a minimum of 1 lag bolt at 16 inches on center or 2 lag bolts at 32 inches on center. Joist hangers are required when ends of joists meet ledger boards.
- d. Headers provide support for floor joists and decking. The allowable span for a header is the maximum distance a header can safely span between support posts without sagging or causing excessive deflection. The maximum span depends upon the size of the header pursuant to the following table.

<b>Size of Wood Header (nominal)</b>	<b>Maximum Span</b>
2- 2" x 6" or 1- 4" x 6"	5' – 6"
2- 2" x 8" or 1- 4" x 8"	7' – 6"
2- 2" x 10" or 1- 4" x 10"	9' – 6"
2- 2" x 12" or 1- 4" x 12"	11' – 0"

- e. When laminating 2 lengths of lumber to form a header, the lumber shall be fastened together with 10D nails every 16 inches along all edges on the board. All splice points shall be directly above posts.

2. Deck Framing: The maximum allowable span of a floor joists depends on the size of the floor joist and on the on center (“O.C”) spacing (Note, 12 inch and 16 inch O.C. framing is allowed when using 5/4 x 6” decking; 24 inch O.C. framing is only allowed when using 2” by 6” decking.):

<b>Joist Size</b>	<b>Spacing</b>	<b>Maximum Span</b>
	12" O.C.	9' – 9"

2" x 6"	16" O.C.	8' – 10"
	24" O.C.	7' – 9"
2" x 8"	12" O.C.	12' – 10"
	16" O.C.	11' – 8"
	24" O.C.	10' – 2"
2" x 10"	12" O.C.	16' – 5"
	13" O.C.	14' – 11"
	24" O.C.	13' – 0"
2" x 12"	12" O.C.	19' – 11"
	16" O.C.	18' – 1"
	24" O.C.	15' – 10"

3. Stair Requirements:

- a. The stairway shall not be less than 36 inches in clear width at all points.
- b. Maximum riser height is 7¾ inches with a minimum tread depth of 10 inches, measured from the toe of the tread to the toe of the tread. All riser heights and all tread depths shall be equal.
- c. All stair stringers (framing) shall be supported by a minimum of 2 concrete piers, a minimum of 8 inches in diameter and a minimum of 42 inches below finished grade.

4. Hand and Guardrail Requirements:

- a. When the deck floor is 30 inches or more above grade, a 36 inch high guardrail with spacing less than 4 inches between boards or balusters are required.
- b. Three or more risers require a minimum 34 inch to 38 inch high handrail (measured vertically from the top edge of the stair tread) with spacing less than 4 inches between boards or balusters.

5. Other Requirements:

- a. When overhead electrical conductors are present above the deck or within 3 inches of the edge of the deck, the conductors shall be a minimum of 10 feet above the deck surface.
- b. A deck shall not be constructed on or over any portion of the septic tank or field without written permission from the McHenry County Health Department.
- c. Provisions shall be made for proper access and operation of all hose bibs, vents, windows, and utilities. Removable access panels

are acceptable.

**23.09 DRIVEWAYS** *Amended, 468*

**A. GENERAL REQUIREMENTS:**

1. **PARKING LOTS:** Parking lots shall comply with all regulations provided for in Article 7 of the Prairie Grove Zoning Ordinance and applicable engineering standards as determined by the Village Engineers. No parking lot shall be constructed in any zoning district in the absence of a principal building or structure or where the property in question is not in compliance with all Village codes and ordinances.
2. **DRIVEWAYS:** Driveways shall be constructed of asphalt, concrete, or brick pavers. Gravel driveways are permitted in Estate District (E-3) and Estate District (E-5), also the Estate District (E-1) when the lot size exceeds 1 acre. No portion of the driveway shall be less than 12 feet in width; the maximum driveway width at the street is 22 feet. All driveways require a minimum of 2-foot flares on each side where it meets the edge of the road or curb. Where the driveway meets a paved road edge, the existing road edge shall be saw-cut prior to installing the new driveway surface.

**B. CONSTRUCTION SPECIFICATIONS:**

1. **Asphalt Surface:** Asphalt shall be not less than 2 inches thick after being properly compacted, and shall have a base of properly compacted crushed stone at least 6 inches thick.
2. **Concrete Surface:** Concrete shall be at least 4 inches thick, with an ultimate minimum compressive strength of 4,000 pounds per square inch (psi) and shall have a base of compacted crushed stone at least 4 inches thick.
3. **Brick Paver Surface:** Brick paver surfaced driveways shall have at least 1 inch of sand over a base of compacted crushed stone at least 6 inches thick.

**C. COST:** All new driveway approaches, including culvert, subgrade preparation and surface, shall be at the owner's expense. For any replacement or repair work the Village shall, subject to prior approval from the Village Board, reimburse the property owner for permanent surface material meeting specifications up to a maximum surface area of 120 square feet per platted lot. Reimbursement will be made on the basis of actual surface measurements and will be reimbursed at the lower of actual invoice cost or the prevailing retail price per ton of bituminous concrete, Class I, F.O.B. point of origin, or concrete per yard, F.O.B. job site.

All labor and materials, including driveway removal, subgrade preparation and surface material installation, shall be at the expense of the property owner.

**D. CULVERT:** A new corrugated metal culvert shall be installed under the driveway,



at the owner's expense, where curb, gutter and storm sewers are not provided for the property. Used or damaged culverts shall be removed and properly disposed of at the owner's expense. The diameter shall not be less than 15 inches and a minimum length of 20 feet plus flared ends to equal 26 feet in length. Any small culvert shall be approved by the Village Engineer. Culvert shall be installed on a 6-inch bed of crushed stone and completely covered with crushed stone. Culverts shall be installed at the proper elevation to prevent puddling at either end.

E. MODIFICATIONS: The Superintendent of Public Works may, at his/her discretion, grant exceptions or modifications to this Section if good engineering principles are followed to protect the integrity of the right-of-way and does not change or restrict the normal flow of storm water.

### **23.10 ELEVATOR INSPECTIONS**

Owners of all buildings having any elevators shall be required to provide access to the Building Inspector or his designee for purposes of inspecting said elevators. The Village shall give notice of the inspection not less than 48 hours before the inspection. In the event access is denied the Building Inspector is authorized to revoke the Certificate of Use and Occupancy for the building housing the elevator. In the event the inspection reveals any material malfunction or deficiency in the operation of the elevator, the owner shall immediately correct or repair the elevator and restore it to a safe operating condition before it is placed in use for passengers.

### **23.11 GARAGES**

A. Every single family detached and single family attached dwelling unit shall be constructed with an attached garage on the building lot upon which it is constructed. Said garage shall be connected to the street by a driveway constructed pursuant to Village ordinances. All garages shall be included in the architectural design of the unit and shall not appear to be constructed as an add-on.

B. The following requirements shall apply to the construction of all garages.

1. **MINIMUM GARAGE SIZE:**

- a. The minimum size of the attached garage for a **single family detached** dwelling shall be 22 feet wide by 22 feet deep (minimum garage area) of open concrete floor space measured from inside wall to inside wall.
- b. The minimum size of the attached garage for a **single family attached** dwelling shall be 15 feet wide by 22 feet deep (minimum garage area) of open concrete floor space measured from inside wall to inside wall.
- c. A maximum of 3 stair treads (4 risers) may encroach into the minimum garage area. Where 5 or more stair risers are required, there shall be a minimum 36 inch by 40 inch landing on the garage side of the service door. The landing shall have a minimum 36 inch

high guardrail and shall include a 34 to 38 inch high handrail at the stairs.

Exception: The landing may encroach a maximum of 24 inches into the minimum garage area. The minimum distance between the overhead door, in the closed position and the landing shall be 20 feet. When a landing is constructed on the side wall of the garage, the minimum distance between the garage door opening and the side wall at the landing shall be 4 feet.

2. GARAGE DOORS:

- a. All residential overhead garage doors shall be a minimum of 8 feet in height.
- b. All single family detached units shall have a minimum of 1 overhead garage door, a minimum of 16 feet wide or 2 overhead doors each a minimum of 9 feet wide.

Note: The minimum width of a garage with two 9-foot wide doors is 24 feet measured from inside wall to inside wall.

- c. All single family attached units shall have a minimum of 1 overhead garage door, a minimum of 9 feet wide.
- d. The minimum measurement of all inside walls shall be 24 inches which includes both sides of overhead garage door openings to the inside of finished walls and minimum of 24 inches between multiple overhead garage doors, measured from finished opening to finished opening.

**Exception:** Overhead garage doors installed in the rear of a garage, used to access the rear yard may be reduced to 6 feet in width and 7 feet in height.

3. GARAGE FLOOR DRAINAGE: All garage slabs shall be installed with a minimum 2-inch pitch toward all overhead garage doors.

**Exceptions:**

- a. Where a floor drain system is installed in the garage, the slab may be pitched toward the drain. The drain shall be connected to a triple basin gas and oil separator connected to the sanitary system if the sanitary system is connected to a wastewater treatment plant as required in the Plumbing Code.
- b. Triple basin gas and oil separators installed in dwelling units where a septic system is required shall be approved by and permit ob-

tained from MCDP. Copies of approved drainage plans and MCDH permit shall be submitted to the Building Department prior to issuance of a building permit for the dwelling unit.

Additional plumbing inspections are required for the installation of a triple basin gas and oil separator drainage system. Therefore, it is required to be included on the dwelling unit plans at the time of permit application.

### **23.12 TRENCHES**

All trenches across proposed or existing streets and driveways shall be filled pursuant to requirements provided by the Village Engineer.

### **23.13 EXCAVATIONS IN THE RIGHT-OF-WAY**

Wherever any alteration, construction or disruption of soil is done in any public right-of-way, the following conditions must be met:

1. Pursuant to this Code, soil and erosion control measures must be in place prior to start.
2. All disturbed areas shall be restored with sod and inspected by the Public Works Department and/or Building Department prior to final approval of project.
3. A deposit shall be made to the Village to insure restoration of the right-of-way. If the right-of-way is not restored to the Village's satisfaction the Village will use the deposit for the restoration. The deposits required for a street opening, which is required any time it is necessary to cut into paved surfaces in streets and alleys, is \$750.

### **23.14 MOVING OF BUILDINGS**

The fee for a building permit for the removal of a building or structure, from one location to another or to a new location on the same lot, shall be \$25 plus \$2 per \$100 of the estimated cost of moving plus the cost of new foundations and all work necessary to place the building or structure in its completed condition in the new location.

### **23.15 SIGN BOARDS**

The sign contractor, the erector and the owner of every sign or billboard for which a permit is required, shall show proof of liability insurance in the amount of \$1,000,000 or more prior to the erection and maintenance of all such signs or billboards in accordance with the provisions of Village ordinances.

### **23.16 SWIMMING POOLS**

A. **PERMIT REQUIRED:** A building permit is required for the installation of a swimming pool, hot tub, or spa, whether installed indoors or outdoors. Architectural Review Commission approval shall be required prior to the issuance of a building permit. Above-ground/on-ground, in-ground, portable and non-portable pools, hot tubs, and spas are considered

swimming pools (pools) and shall meet the minimum location, electrical and barrier requirements, and shall comply with all the provisions of Appendix G of the Residential Code and Article 680 of the Electrical Code.

B. **DEFINITIONS:** In addition to those terms defined in Appendix A of this Code, the following definitions are applicable to this Section:

**Above-ground/on-ground pool:** See the definition for swimming pool.

**Appurtenance:** Ladders, slides, stair handrails, lights, pool covers and other optional extras.

**Barrier:** A fence, wall, building wall, or combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool.

**Hot tub:** See the definition for swimming pool.

**In-ground Pool.** See “Swimming pool.”

**Pool equipment:** All water pumps, motors, filters, and heaters, including required wiring, piping, and support of such equipment.

**Residential:** That which is situated on the premises of a detached 1- or 2- family dwelling or a 1-family townhouse no more than 3 stories in height.

**Spa, non-portable:** See the definition for swimming pool.

**Spa, portable:** A nonpermanent structure intended for recreational bathing, in which all controls, water heating, and water circulating equipment are an integral part of the product.

**Swimming pool:** Any structure intended for swimming, recreational bathing, or immersion or partial immersion of users that contains water having a depth at any point over 24 inches (610 mm) deep. This includes in-ground/on-ground, above ground swimming pools and portable, and non-portable hot tubs and spas.

**Swimming pool, indoor:** A swimming pool which is totally contained within a structure and surrounded on all 4 sides by walls of said structure.

**Swimming pool, outdoor:** Any swimming pool, which is not an indoor pool.

C. **PERMIT FEES:** The permit fee for the erection or construction of a swimming pool and required barrier is found in Exhibit A of this Chapter.

D. **INSPECTION REQUIREMENTS:** The building official shall, from time to time, inspect any swimming pool and required barrier to determine whether or not the provisions of Village ordinances and this Code regarding health, sanitation, and safety are being complied with.

E. **RECIRCULATION REQUIREMENT:** All swimming pools shall be of the recirculation type in which circulation of the water is maintained through the pool by pumps with an hourly capacity equal to the pool volume divided by eight.

F. **MEANS OF EGRESS:** A minimum of one means of egress in the form of steps or ladders shall be provided for all swimming pools (excluding portable hot tubs). A minimum of 2 means of egress shall be required for any swimming pool (excluding portable hot tubs) with any dimension exceeding 28 feet. Where 2 means of egress are required they shall be located on opposite sides or ends of the pool, or shall be a minimum of 20 feet apart.

G. **WALK AREAS:** Any walk area providing access to the swimming pool shall be a minimum of 36 inches wide. The walk area shall be constructed of impervious material with a non-slip surface. Concrete or paver brick walk areas shall have a pitch of at least one-quarter inch to the foot away from the pool to prevent back drainage from entering the pool.

H. **LOCATION:**

1. Swimming pools, including above-ground, on-ground, in-ground, non-portable spas and hot tubs (including all pool equipment) shall be located in a rear yard, at least 8 feet from any property line, except that no pool or pool equipment shall be located within a utility or drainage easement.
2. Pools must be located a minimum of 10 feet (measured horizontally along the ground) from overhead electrical wires and shall maintain clearance of 18 feet from all overhead electrical wires (measured at an angle from the water's edge of the pool to the overhead electrical wires).
3. Pool equipment shall be located out of sight from neighbors or blocked from sight by landscaping, fence or other at least as high as top of equipment.
4. Inground swimming pools shall not be located within 25 feet of any septic tank, building sewer, or subsurface seepage system including drop boxes.
5. Above ground swimming pools shall not be located within 5 feet of any septic tank, or within 10 feet of any building sewer or subsurface seepage system including drop boxes. Any variance from the septic system setback requirements shall be obtained from the McHenry County Department of Health – Division of Environmental Health prior to application for permit.

I. **WATER SUPPLY:** The water supply used to fill a pool and to add make-up water as needed shall be equipped with an anti-siphon device to protect contamination of the potable water system.

J. **ELECTRICAL REQUIREMENTS:**

1. Except as provided herein, underground wiring is prohibited under the pool or under the area extending 5 feet horizontally from the wall of the

pool. Wiring necessary to supply power to pool equipment may be allowed within 5 feet from the wall of the pool, but not under the pool.

2. All electrical must be in conduit. Underground electrical wiring must be in rigid metallic conduit (heavy-wall with threaded ends) buried a minimum of 6 inches below grade, or in rigid PVC conduit buried a minimum of 18 inches below grade. A separate ground wire is required when using PVC conduit. Conduit may be properly fastened to the bottom or sides of wood deck framing.
3. The receptacle that provides electric for the water pump shall be permitted between 5 feet and 10 feet from the inside walls of the pool. This shall be a single receptacle of the locking and grounding type and shall be protected by a ground-fault circuit-interrupter, (GFCI). The receptacle for the pump must be in a weatherproof box approved for wet locations and must be secured to prevent displacement. The use of extension cords is prohibited.
4. The pool pump receptacle shall be provided with a means of disconnecting (switch). The means of disconnecting shall be located within sight from the pool equipment and shall be in a weatherproof box.
5. All receptacles within 20 feet of the inside wall of a pool shall be GFCI protected.
6. All metal parts of the pool, pool equipment, and appurtenances shall be properly bonded.

K. **BARRIER REQUIREMENTS:** All swimming pools shall be surrounded by a barrier to protect against potential drowning and near drowning by restricting access to swimming pools, hot tubs, and spas. Barriers shall be located so as to prohibit permanent structures, equipment, or similar objects from being used to climb the barriers. The required barrier shall comply with the following:

1. The top of the barrier shall be at least 48 inches above grade outside the pool area; the bottom of the barrier shall be no more than 2 inches above grade. Where the barrier is mounted to the top of an above-ground swimming pool, it shall extend a minimum of 18 inches above the top of the pool and be a minimum 54 inches above grade.
2. Openings in the barrier shall not allow passage of a 4 inch diameter sphere.
3. Solid barriers without openings shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches

the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1.75 inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches in width.

5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches or more, spacing between vertical members shall not exceed 4 inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches in width.
6. Maximum mesh size for chain link fences shall be a 1.25-inch square unless the fence is provided with slats fastened at the top or bottom which reduce the openings to not more than 1.75 inches.
7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1.75 inches.
8. Access gates shall comply with all barrier requirements and shall be equipped with self-closing and self-latching devices. Where the release mechanism of the self-latching device is less than 54 inches from the bottom of the gate, it shall be located on the pool side of the gate at least 3 inches below the top of the gate. The gate and barrier shall have no opening greater than one-half-inch within 18 inches of the release mechanism.

L. **EXCEPTIONS TO BARRIER REQUIREMENTS:** Spas or hot tubs with a safety cover which complies with ASTM F 1346-91 (American Society for Testing and Materials 1916 Race Street, Philadelphia, PA 19103).

M. **MAINTENANCE:** All swimming pools, hot tubs, and spas and required barrier shall be properly maintained. The water contained therein shall be kept free of plant and animal life and shall be chemically treated to maintain a proper balance.

### **23.17** **TEMPORARY CERTIFICATE OF OCCUPANCY** *Amended, 567*

A. A Temporary Certificate of Occupancy shall only be issued between November 1 and May 31 to allow for completion of work halted by weather related conditions specified in this Section. A Temporary Certificate of Occupancy shall only be good for 180 days from the date of issuance.

B. Prior to the issuance of a Temporary Certificate of Occupancy the following conditions shall be met:

1. All health and safety related building items shall be completed, inspected and approved by the Building Inspector. At that time, a list of incomplete items will be recorded by the Building Inspector.

2. Payment to the Village of the Temporary Certificate of Occupancy fee, re-inspection fee and refundable cash deposit or letter of credit. These fees are found in Exhibit A of this Chapter.
3. Name and contract information of the property owner shall be provided to the Village Clerk.

C. A cash bond must be filed with the Village Clerk, equal to the permit fee, at the time of application for the Temporary Certificate of Occupancy. In addition, all incomplete items that have been recorded by the Building Inspector and guaranteed by a cash deposit or letter of credit shall be completed by the following June 30.

D. In the event the required work is not completed by the following June 30, the Village shall use the cash deposit or proceeds from the letter of credit to have the work completed. If the work is completed within the required time period, the total amount of the cash deposit shall be returned to the party making the cash deposit or the letter of credit released. The bond shall be refundable in full, without interest paid, at the time of completion of the entire work described in the building permit previously issued.

E. If conditions preclude grading and seeding between June 30 and October 30 and occupancy is required in that time period, a cash deposit may be made with the Village for up to 45 days if approved by both the Building Inspector and the Village Engineer.

## **23.18 CERTIFICATE OF OCCUPANCY**

A. No building or structure hereafter erected or altered shall be occupied or used in any way, until a certificate of occupancy has been issued by the Building Inspector. The certificate of occupancy shall be issued only after the Building Inspector makes a finding that the building or structure has been erected or structurally altered in conformance with the provisions of this Chapter and other health and building laws and in accordance with the building permit.

B. Prior to the issuance of a Certificate of Occupancy the following conditions must be met:

1. The structure shall be completed pursuant to this Code.
2. The builder/owner shall certify, by means of a Professional Engineer's or land surveyor's statement that the elevations of the completed project are in accordance with the grading plan approved by the Village if deemed necessary by the Building Inspector.
3. If applicable, the well and septic have been inspected and approved by McHenry County.
4. Final inspections and approvals have been completed by the Village Engineer, Building Inspector, Nunda Rural Fire Protection District (for commercial structures) and other third party inspections if required.



5. IDOT final approval if the project includes the construction of an entrance and/or exit on a state highway.

**23.19 LOCAL RULES** *Amended, 567, 476*

**A. BUILDING SITE RULES:**

1. In addition to the required display of the building permit pertaining thereto, each lot shall be clearly marked with a temporary sign no larger than 2 square feet made of weather-resistant materials and lettering depicting the lot number and common street address assigned to that lot or dwelling unit before construction on that lot may commence. Such sign shall be posted and maintained in good repair until a certificate of occupancy has been issued.
2. Each lot shall be furnished with a proper container or containers for the deposit of construction debris and refuse and if applicable, for recycling of discarded construction materials. Such containers shall be secured so as to prevent the blowing or scattering of materials, and shall be emptied regularly and not allowed to overflow. No container shall be located on a Village right-of-way. The contractor shall be responsible for litter and debris pickup and containment on the property.
3. Each lot shall be furnished with a proper portable toilet for use by construction workers which shall be regularly maintained by the toilet provider. No toilet shall be located on a Village right-of-way. The Building Inspector shall have the discretion to modify this requirement based on job site conditions, such as at townhouse or commercial developments.
4. Prior to beginning work, a temporary gravel drive must be installed from the street into the lot in order to provide access to the lot for inspections. Culverts must be set in place in accordance with Driveway Section herein before gravel is laid down. The temporary drive shall consist of 6 inches of gravel base that extends at least half of the distance from the street towards the garage portion of the dwelling, or a minimum of 50 feet, and shall have a minimum width of 10 feet.

**B. STREET SIGNS:** Temporary street signs made of weather-resistant materials and lettering identifying the streets in a new subdivision shall be erected before beginning any construction activity on any lot. Said signs shall remain posted and maintained in good repair until permanent street signs are erected as provided for in the Subdivision Code.

**C. USE OF STREETS AND LOTS DURING CONSTRUCTION:**

1. It shall be prohibited to occupy any traveled portion of a paved street or right-of-way with construction materials, construction vehicles or construction material delivery or storage vehicles. Temporary blockage of a street by a construction vehicle shall be limited as governed by Village

traffic regulations.

2. No construction materials shall be placed so as to render inaccessible or subject to damage any fire hydrant, manhole, catch basin or similar structure, or so as to obstruct culverts or street gutters to prevent the proper flow of storm water. Any damage caused by construction and/or landscaping activity to said structures shall be repaired at the applicant's expense. Said structures are subject to inspection at the time construction and/or landscaping is completed, and a certificate of occupancy may be withheld by the Village until repairs are properly made.
3. Adjacent streets shall be regularly cleaned of dirt and mud deposits.
4. The washing out of any waste material from trucks, including but not limited to concrete and dirt, is prohibited in any Village right-of-way or public or private drainage swale, similar storm water conveyance, or on any other private lot or public property.
5. Driving over swales or ditches to access lots is prohibited. Any damage caused to ditches, shoulders, pavement, and related vegetation from construction activity shall be the responsibility of the building permit applicant to repair, and the Village may issue a stop-work order in addition to its other remedies in order to achieve compliance with this rule.
6. The Village at all times reserves the right to stipulate and direct the manner and street network in which construction traffic may access a building site.

D. SUMP PUMPS:

1. For the purposes of this section, the term "sump pump" is used in connection with storm water, and the term "ejector pump" is used in connection with wastewater, although it is common parlance to also refer to sump pumps as part of a septic system.
2. Downspouts: All roof downspouts shall be discharged onto the ground. The downspout discharge may be fitted with an extension, provided that a) the outlet of the discharge must not be located nearer than 5 feet to the property line and shall discharge above grade, b) the flow from the discharge extension must be oriented in the direction of the approved drainage ditch or swale and not oriented to discharge storm water directly onto adjacent properties, and c) the extension must be buried. No downspouts shall be connected to a septic system.
3. Foundation/Footing Drains: All exterior foundation/footing drains shall be connected to sump pumps (unless another solution is deemed acceptable to the Village), and the discharge of groundwater or storm water therefrom shall be made into storm sewers or to drainage ditches or swales. No exte-

rior foundation/footing drains shall be connected to a septic system.

4. Floor Drains: All floor drains shall be connected to the sanitary sewer or septic system.
5. Sump Pumps: Sump pumps installed to receive and discharge groundwater or storm water shall be connected to a storm sewer system or discharged to approved drainage ditches or swales. The sump pump discharge may be fitted with an extension, provided that a) the outlet of the discharge must not be located nearer than 5 feet to the property line and shall discharge above grade, b) the flow from the discharge extension must be oriented in the direction of the approved drainage ditch or swale and not oriented to discharge said groundwater or storm water directly onto adjacent properties, and c) the extension must be buried. If an underground storm sewer system is available, such discharge shall be to the system rather than to another option, except that the Village may, at its discretion, upon application and review, approve discharges into storm water detention or retention ponds, lakes, wetlands, streams or other conveying bodies of water, subject to such terms and conditions as it deems are appropriate or necessary to protect said conveyances.
6. Ejector Pumps: Ejector pumps installed to receive and discharge floor drain flows, wastewater or other sanitary sewage shall be connected to a sanitary sewer system or septic system.

E. ARCHITECTURAL REVIEW REQUIREMENTS: All construction shall be subject to the architectural review requirements found in the Subdivision Code and Section 23.23, Architectural Review Requirements, unless otherwise provided for in this Chapter.

F. MAXIMUM NUMBER OF PERMITS ISSUED: Upon expiration of any applicable moratorium, not more than 125 residential building permits shall be issued in any one fiscal year with no more than 35 residential building permits issued to any one property owner or developer. For purposes of this Section, a permit issued for a multiple family dwelling building shall be considered one residential building permit.

G. ROAD IMPACT FEE: A road impact fee, found in Exhibit A at the end of this Chapter and established to mitigate the adverse impact of construction on the Village roads, shall be payable at the time a building permit is issued.

## **23.20 FEE SCHEDULE**

The total permit fee shall be payable in full in advance of the issuance of the permit or service to be performed. Permit fees are found in Exhibit A of this Chapter.

The payment of the fee for the construction, alteration, removal or demolition and for all work done in connection with or concurrently with the work contemplated by the building permit shall not relieve the applicant or holder of the permit from the payment of other fees that may be prescribed by law or ordinance for water connections, sewer connections, erection of signs and

display structures, and marquees or other appurtenant structures, both within and without the jurisdiction of the Building Department.

### **23.21 UNLAWFUL ISSUANCE OF A BUILDING PERMIT**

No building permits shall be issued to a person who:

1. Has an outstanding expired building permit where the permitted work is incomplete; or
2. Is indebted to the Village in reference to building code violations.

### **23.22 UNLAWFUL CONTINUANCE OF BUILDING ACTIVITY**

Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as he is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$150 nor more than \$500, plus the Village's costs of prosecution. Each day that a violation continues shall be deemed a separate offense.

### **23.23 ARCHITECTURAL REVIEW REQUIREMENTS** *Amended, 482, 480*

A. REVIEW BODY: The Architectural Review Commission ("Commission" for purposes of this Section), in addition to its powers and duties as prescribed by ordinances and codes of the Village, is charged with the review of architectural plans and designs.

B. JURISDICTION: The Commission shall be responsible for the review and recommendation of construction plans for any building or exterior alteration thereof, building addition, accessory building or structure, fence, deck or swimming pool, as well as the landscaping associated therewith.

C. PURPOSE OF ARCHITECTURAL REVIEW: The purpose of architectural review requirements in the Village is:

1. To retain the unique character of the Village with a diversity of architecture and design;
2. To promote those architectural design qualities in the environment which bring value to the Village;
3. To foster the attractiveness and functional utility of the Village as a place to live and work;
4. To preserve the character and quality of the Village's heritage by maintaining the integrity of those areas which have a discernible character of are of special significance; and
5. To protect public investments in the Village.
6. To ensure that proposed developments and construction are in substantial

compliance with the Village Comprehensive Plan and its design guidelines.

It is the primary object of the Village that residential construction:

1. Consists of custom and semi-custom construction;
2. Prevents multiple residences that have similar exterior designs; and
3. Enhances and/or maintains property values of adjacent properties.

These regulations apply to all property within the Village.

The Commission shall have the authority to establish procedures, as well as design and building material standards, as necessary to achieve the goals of the Village as described in this Section. These regulations shall be administered in conjunction with the applicable provisions of the Zoning Code, the Subdivision Code, Sign Regulations and other Village regulations. Nothing contained in these regulations shall be interpreted to constitute an endorsement or prohibition of any particular building material, construction method or product.

D. **SUBMITTALS AND APPROVALS:** All architectural review applications must be submitted to Village building department prior to the submittal of building permit applications. No building permit shall be issued until final design approval is granted by the Commission, as evidenced in its minutes and by the signature of the Commission chairperson on each set of plans. Provided, however, the Administrator or a designee may review and approve the following minor permit submittals: grade level patios, decks up to 36 inches above grade, concrete and paver walkways, storage sheds, re-roof and re-siding of existing structures with similar materials and colors. Any appeal from the decision of the Administrator or designee shall be made to the Architectural Review Commission.

E. **APPEALS AND STAYS OF PROCEEDINGS:** Appeals from the final action of the Commission shall be appealable to the Village Board. Appeals from the Commission's final action shall be in writing and shall be filed with the Clerk within 30 days of the Commission's final action.

F. **FEES:** There shall be a \$250 application fee to cover the cost for the architectural review of new construction and substantial remodeling; a \$100 fee for architectural review of additions; and a \$25 fee for remodeling, decks, patios, fences and other exterior appurtenances. For developments with multiple lots of less than one acre, the fee for an alternative review process shall be \$75.

## **23.24 FIRE DISTRICT RAPID ENTRY KEY SYSTEM**

A. **FIRE DISTRICT RAPID ENTRY KEY SYSTEM:** A Fire District Rapid Entry Key System (hereinafter referred to as "KNOX") shall be installed on all buildings equipped with a monitored fire alarm system. Installation, location and mode of KNOX box shall be approved by the fire district prior to installation.

B. EXCEPTIONS: For following situations shall be exempt from the KNOX box installation requirement of this Section:

1. Detached single family dwellings.
2. Alarmed buildings that are occupied 24 hours a day throughout the year.
3. Buildings with on-premises guard service with key access to all building areas.

### **23.25 VIOLATION PENALTIES**

A. Any person who violates any provision of this Chapter or the Building Code or shall fail to comply with any of the requirements thereof or who shall excavate for, erect, construct, alter, repair or remodel a building or structure in violation of an approved plan or directive of the Building Inspector, or of a permit or certificate issued under the provisions of the Building Code, shall be guilty of a misdemeanor, punishable by a fine of not less than \$150 nor more than \$500, plus the Village's cost of prosecution. Each day that a violation continues shall be deemed a separate offense.

B. Section R113 entitled *Violations and Penalties* of the International Residential One- and Two-Family Dwelling Code is amended to read as follows:

Section R113. It shall be unlawful for any person, firm or corporation whether as owner, lessee, sublease or occupant to erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip, use, occupy or maintain any one- or two-family dwelling in the Village's jurisdiction or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Code.

It is hereby declared that any violations of this Chapter constitutes a public nuisance, and in addition to any other remedies provided by this Code for its enforcement, the Village may bring civil suit to enjoin the violation of any provisions of this Code. If for any reason one or more sections, sentence, clause or parts of this Code are held invalid, such judgement shall not affect, impair or invalidate the remaining provisions.

Any person, firm or corporation violating any of the provisions of this Code shall be guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion there of during which any violation of any of the provisions of this Code is committed, continued or permitted, and upon conviction of such a violation, such person shall be punishable by a fine of not less than \$100 nor more than \$500 or by imprisonment, or by both such fine and imprisonment as established by local applicable laws.

**EXHIBIT A**

Amended, 616, 567

<b>BUILDING PERMIT FEES</b>	
<b>Project/Purpose</b>	<b>Fee</b>
<i>Single Family Dwelling:</i>	
New construction	\$0.17 per square foot
Additions	\$0.17 per square foot
Accessory structures	\$0.17 per square foot
<i>Commercial, Industrial, Storage, Business, Institution, Public, Multiple Family</i>	
New construction, additions and accessory structures	\$200 minimum
	First 1,000 square feet: \$0.20 per square foot
	Over 1,000 square feet: \$0.05 per square foot
<i>Non-Commercial, Utility or Storage</i>	
New construction, additions	\$0.17 per square feet
<i>Alterations, Remodeling, Use Change</i>	
All buildings or structures, additions, accessory structures	\$40 minimum
	\$0.17 per square foot
Garage, Gazebo, Screen Porch, Shed, Windows, Deck, Patio (concrete or paver)	\$40
<i>Electrical</i>	
Service	\$0.10 per square foot; \$40 minimum
<i>Plumbing</i>	
New construction	\$120 minimum
	\$0.13 per square foot
	\$4 per fixture
Additions	\$90 minimum
	\$0.13 per square foot
	\$3 per fixture
<i>Heating and air conditioning</i>	
New construction or addition	\$40 minimum
	\$0.10 per square foot
<i>Moving, raising, shoring or underpinning of structure or foundation</i>	\$90
<i>Demolition</i>	
Residential	\$100
Non-residential	\$200
<i>Deck</i>	\$ 40 (permit) \$20 (administration) \$25 (ARC review) \$100 (road impact fee)
<i>Fences, including dog runs:</i>	

<b>BUILDING PERMIT FEES</b>	
<b>Project/Purpose</b>	<b>Fee</b>
First 200 linear feet	\$40
Excess of 200 linear feet	\$0.10 per linear foot
<i>Pools</i>	
In-ground	\$175
Above-ground, spa, hot tub	\$80
<i>Irrigation system</i>	\$50
<i>Sidewalk</i>	\$0.04 per square foot
<i>Signs</i>	See Chapter 24, Signs Regulations
<i>Structures</i>	40% plus \$0.10 per square foot
<i>Driveway</i>	\$30 (permit fee) \$15 (administration fee) \$100 (road impact fee)
<i>Minimum permit fee</i>	\$40
<i>Re-inspection or each extra inspection need or requested</i>	\$50
<i>Building permit extension</i>	25% of the original permit fee for each extension
<i>Temporary certificate of occupancy</i>	\$100
<i>Administrative fee</i>	50 percent of permit fee
<i>Removal of dying, dead or diseased trees</i>	No fee or administrative fee

Ord. 476; Amended, 624, 479

<b>Municipal Property Damage Deposits and Impact Fees</b>		
<i>Type of Construction</i>	<i>Deposit*</i>	<i>Road Impact Fee</i>
Residential deck, shed, fence, patio, re-roof, siding and concrete or asphalt driveway	No deposit	\$100
Residential detached garage, addition, remodeling	No deposit	\$300
Residential single family dwelling	\$3,000	\$500
Residential multiple-family dwelling	\$6,000	\$250 per unit
Commercial/industrial sign, fence, storage tank, accessory storage building, roofing, siding, rooftop HVAC, concrete or asphalt driveway, concrete or asphalt parking lot	\$2,500	\$250
Commercial/industrial addition or remodeling	\$5,000	\$500
Commercial/industrial building up to 100,000 square feet; 10 percent increase for each additional 50,000 square feet over 100,000 square feet	\$7,500	\$750
Natural or oil gas utility main pipeline maintenance work	\$50,000	\$7,500
*A municipal property damage deposit will be returned pursuant to Section 23.07 of this Code.		

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