

# TITLE 9 BUILDING

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# CHAPTER 1 BUILDING CODES

## SECTION:

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**9-1-4: Fire Prevention Code**

**9-1-5: Mechanical Code**

## **9-1-1: BUILDING CODE:**

### A. Building Codes Adopted by Reference

1. The City hereby adopted the following codes and standards as the building codes of the City: (Ord. 846, 3-8-1994; amd. Ord. 96-50-3, 7-23-1996, amd Ord 2003-28, 12-16-03)
  - a. The International Building Code/2003.
  - b. The International Mechanical Code/2003.
  - c. The National Electrical Code 2002 NFPA 70.
  - d. The International Residential Code/2003.
  - e. The Illinois State Plumbing Code/2014.
  - f. The International Fire Code/2003.
  - g. The International Property Maintenance Code/2003.
  - h. The International Fuel Gas Code/2003.
  - i. The International Energy Conservation Code/2003.
  - j. Illinois Accessibility Code.

All conflicts between this ordinance and the Unified Development Ordinance will require the enforcement of the stricter code requirements.

### B. Amendments to Codes Adopted:

1. Amendments to Building Code

- a. Section 101.I Insert "City of Genoa".
- b. Section 102.5 Insert the following: Where more restrictive in any respect, the limitations or requirements of any other City of Genoa Ordinance shall take precedent over the regulations of this code.
- c. Section 107.5.1 Add the following: Any applicant for a building permit for construction of a building which requires the extension of the water or sewer system or the installation of a well or septic shall submit detailed plans for said construction.
- d. Section: 107.5.2 Add the following: Foundations -The survey submitted (plat of Survey) shall be signed and sealed by an Illinois licensed Professional Engineer or Land surveyor showing lot lines, lot dimensions, building lines and easements, proposed top of foundation elevation, building dimensions and dimensions to lot lines and proposed lot grading. Prior to framing a plat of survey sealed by an Illinois Licensed Professional Engineer or Land Surveyor shall be submitted indicating the as-built location and dimensions of the foundation and top of foundation elevation. Prior to issuing a certificate of occupancy an as-built grading plan sealed by an Illinois Licensed Professional Engineer or Land Surveyor shall be submitted and approved with the following information; finish grades of the lot, building with top of foundation, building dimensions and set back to lot lines with spot elevations.
- e. Insert Subsection 107.7.1:

Section 107.7.1 Compliance with Grading Plan Ordinance

The owner /developer/permittee shall submit a grading plan as required by Ordinance 2005

- f. Insert Subsection 107.7.2 Culvert and site access

Before any construction. site work, grading excavation may be commenced on any property. lot or tract there shall be first installed, inspected and approved by the Village Engineer a culvert and gravel based access to each such property, lot or tract.

- g. Section 107.10 Add the following: Permit Requirements

- (i). The permit requirements shall apply to all buildings, structures and construction.
- (ii). A permit application shall be denied if the plans submitted do not conform to all the requirements and ordinances of the City which denial shall be stated in writing.

- (iii). The Building department shall with the issuance of a building permit furnish the permittee a placard which must be on the job at all times conspicuously posted on the job site which may not be removed until issuance of an occupancy permit.
- (iv). All building permits shall expire 6 months from issuance if substantial constructed is not commenced within such time and shall in all cases expire 18 months from issuance at which time all construction must cease until a permit extension is obtained. All work required to be done in accordance with the submitted plans and specifications shall be completed within the term of the permit.
- (v) Demolition permits shall expire 90 days after issuance.
- (vi) No fees shall be refunded on lapsed permits.
- (vii) A final occupancy certificate shall be secured before any building is occupied. In addition, a final occupancy certificate shall not be issued until all work covered by the permit is completed in compliance with the ordinances of the City, the permit and submitted plans and specifications.

h. Section 112.3.1 "Fee Schedule" -Delete in its entirety. Insert Building Permit fee of the City of Genoa Ordinance and the following definition of gross floor area.

Gross Floor Area: For the purpose of calculating the permit fee from the annual fee schedule, the sum of the gross horizontal area of all floors of building measured from the exterior face of the exterior walls or from the centerline of the walls separating two (2) buildings. The gross floor area of a building shall also include but is not limited to:

- (i) elevator shafts and the stairwells
- (ii) mechanical equipment unless located on the roof either open or enclosed
- (iii) attic space having headroom conforming to the definition of habitable
- (iv) interior balconies or mezzanines
- (v) enclosed porches
- (vi) interior off street parking or loading areas
- (vii) outdoor display areas

(vii) Basement

(viii) garage(s)

(ix) crawl spaces

i. Section 113.3 Add the following: The permit applicant, owner, or contractor shall give 24 hours advance notice to the Building Inspector to request each of the following required inspections:

(i) Site Preparation and/or Culvert-An inspection to ensure the adequate provision of all required soil erosion control and tree protection prior to grading, footing excavation, or any other work on the property.

(ii) Footing Excavation -An inspection is required before concrete is poured and after excavation and forming have been completed.

(iii) Foundation Forms-An inspection is required after the foundation wall forms are set and before concrete is poured

(iv) Foundation Wall-An inspection is required before backfilling and after footing drain tile has been placed and damp proofing completed.

(v) Foundation Elevation. -Immediately after the foundation has been poured prior to framing, the owner or contractor shall submit to the Building Commissioner two (2) copies of an on-site location of the structure showing the top of foundation elevations in USGS Datum, prepared by a registered land surveyor and the distances to the lot lines. This elevation survey shall be approved by the City Engineer. In no case shall a final inspection for a Certificate of Occupancy be made until such information is provided

(vi) Driveway -After placing of forms or otherwise establishing the border of driveway and prior to installation of asphalt, concrete pavers, or other hard surface material, an inspection is required to ensure that the driveway complies with the approved site plan, maximum and minimum width requirements, and setback requirements. Placement of driveway forms and the driveway inspection can be conducted at any time during the construction process.

(vii) Electric Service -An inspection is required after electric panel, meter enclosure, and temporary ground have been installed.

- (viii) Underground Plumbing -An inspection is required before concrete is poured in a basement or floor slab and after underground plumbing work has been completed.
- (ix) Sewer and Water -An inspection is required after water and sewer has been installed to the main into the building prior to covering any pipe up.
- (x) Rough Framing -An inspection is required before any insulation and vapor barrier is installed and after the rough framing, rough plumbing and rough electrical work are completed.
- (xi) Rough Plumbing -An inspection is required before any insulation and vapor barrier is installed and after rough plumbing is completed.
- (xii) Rough Electric -An inspection is required before any insulation and vapor barrier is installed or any underground electrical work is covered by concrete and after the rough electrical work is complete.
- (xiii) Insulation and Vapor Barrier -An inspection is required before any interior wall finish is applied and after the insulation and vapor barrier are installed.
- (xiv) Septic System -If private sanitary sewer system is used and has been approved by DeKalb County a final inspection and approval by DeKalb County is required.
- (xv) Final-Final inspection is required before issuance of Building Certificate of Occupancy for a structure. The final inspection shall ensure that the building and site comply with all City codes and regulations including but not limited to the building codes, Zoning Ordinance, and engineering requirements.

It shall include inspections for the following: building, mechanical, electrical, plumbing, site engineering, landscaping, and fire protection. All fire protection systems shall be approved by the Building Commissioner after inspection by the local fire protection district.

- (xvi) Bond Release -An inspection is required prior to the release of any outstanding bonds to ensure compliance with all required local codes, ordinances and standards including landscaping improvements.

General:

All re-inspections required, as a result of builder error shall be performed at an additional fee, which is subtracted from the bond.

Proper and safe ladders for access to basements and attic are the responsibility of the Contractors.

There will be no inspections performed if adequate ladders are not provided.

All materials required for testing are the responsibility of the contractor.

All job sites shall have an approved sign indicating the address and permit number. The sign shall have provisions for the placing of inspection forms when there is no property representative on site. The provisions shall keep the inspection form dry and from blowing away.

The sign shall be a minimum of 24 inches by 24 inches and no greater than 36 inches by 36 inches. Provisions shall be made at the sign for storing an approved set of plans until the structure is tight to the weather.

The location of the plans and inspection forms will be placed in a location approved by the inspector. It shall be visible from the street or right of way and not be located in the right of way.

The copy of the approved plans shall be on the job site at all times.

j. Section 110.3.2.1 Add the following Subsection:

i. Definitions

- a. Temporary Occupancy Permit: That permit issued by the City Building Department allowing occupancy of a building or structure intended for occupancy prior to final inspection and issuance of an occupancy permit.
- b. Escrow: The sequestered amount approved by the Building Department and/or the City Engineer and created by an applicant for a temporary occupancy permit running in favor of the said applicant and the City to guarantee completion of the building, structure or construction.
- c. Building Department; The Building Department of the City of Genoa as administered by the City Building Inspector or if none, the Mayor and City Council.

ii. Provisions

- a. Temporary Occupancy Permit may be issued by the Building Department upon such other terms as may be contained herein where the items to be completed are limited to driveways when weather does not allow the work to be completed, landscaping and site work for only single family homes.
- b. Temporary Certificate of Permit may be otherwise issued at the sole discretion of the Building Commissioner allowing occupancy of building or

structure intended for occupancy prior to final inspection by said department and issuance of a final occupancy permit.

c. Temporary Occupancy Permit may be issued upon the following conditions:

i. Approval by the Building Inspector of all then completed items

ii. Proper provisions for health and safety.

iii. Verification by the City Building Inspector or City Engineer of all uncompleted items of construction within the building or on the site and estimated amount thereof

iv. Written agreement by the applicant of a temporary occupancy permit shall identify the items and date to be completed.

v. Posting of an escrow in a sum no less than 125% of the cost of completion as determined by the Building Department or City Engineer.

“Temporary Occupancy”- Delete entire section. .

k. Section 112.0 "Means of Appeal"

Delete 112.1 -112.3 and Insert-

"Section 112.1 Application for appeal: Any person shall have the right to appeal a decision of the code official to the Board of Appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent form of construction is to be used.

Section 112.2 Membership of Board: The Board of Appeals shall be comprised of the Hearing Officer of the City of Genoa.

Section 112.3 Open Hearing: All hearings before the Board shall be open to the public and in compliance with the provisions of the Open Meetings Act. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

Section 112.4 Board Decision: The Board shall modify or reverse the decision of the code official by a concurring vote of a majority of its members.

Section 112.5 Court Review: Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law.



I. Table 601 Change as follows:

There shall be a minimum of two-hour fire separation (walls, floor ceiling) surrounding any dwelling of use Groups R-2, R-3 and R-4 or assemblies separating the tenants in any use group.

m. Section 901.6.4.3 Add the following: The monitoring of all sprinkler systems and fire alarm systems shall be to an approved location.

n. Chapter II The stricter of the requirements shall apply when there is a conflict between this chapter and the current Illinois Accessibility Code.

o. Section 1612.3 Insert the City of Genoa

p. Section 1612.3 Insert the adoption of the flood regulations.

q. Section: 2701.1 add the following paragraph:

The City Building Official shall require that the provisions of the 2002 edition of the "National Electric Code" as presently in force or as the same may be hereafter amended or modified, be incorporated herein by reference and adopted as the standard and that all such installations shall conform to the provisions of the "National Electric Code" in addition to a designation in appendix A of standards of NFPA 70. Any conflicts concerning the provisions of these codes shall be determined by the strictest standard contained in the provisions

r. Delete all sections in Chapter 29 and insert the following: The City Building Official shall require that the provisions of the current "Illinois Plumbing Code Law", 225 Illinois Compiled Statutes 320/1 et seq., as presently in force or as the same may be hereafter amended or modified and the same is hereby incorporated herein by reference and adopted as the standard for the purposes of this Ordinance. Any conflicts concerning the provisions of these codes shall be determined by the strictest standard contained in the code provisions.

s. Section 3107.2 Insert the following: Where more restrictive in any respect, the limitations or requirements of any other City of Genoa sign Ordinance shall take precedent over the regulations of this code.

t. Section: 3109.22 Change the definition of swimming pools from 24 inches to 18 inches.

u. Section 3410.1 Insert the date of the first code adoption.

v. Adopt A, C, D, F, G, H (Section HI05, 106, 107 only),

w. Electrical Boxes

- i. The use of non-metallic boxes shall be limited to the use of termination of phone, data, TV, and other communication and signal circuits. All electrical boxes used for the use of electrical devices shall be metallic.
- ii. All electrical openings installed in a ceiling with the exception of bath fans ventilated to the exterior, smoke detectors and closets not exceeding 10 square feet shall be provided with a metallic listed fan box. (Ord 2006-28, 08-15-2006)

x. Frame detached garages, sheds and accessory buildings:

- i. Comply with with the construction requirements for one-story dwellings with the following exceptions:
  - A. Foundation walls and footing shall not be less than 18 inches below finished grade, six-inch minimum thickness at the top and may be flared to not less than 10 inches at the bottom.
  - B. Grade beam construction permitted consisting of a four-inch concrete floor, on a minimum four inches of crushed stone, pea gravel, or gravel, poured monolithically with a minimum ten-inch thickened outer edge a width of 20 inches around perimeter of building, said twenty-inch grade beam to be of equal depth and on undisturbed soil.
  - C. A foundation/footing or thickened outer edge specified in a. or b. above is not required for sheds or accessory buildings 100 square feet or less.
  - D. Studs, maximum spacing 24 inches OC. Doubling of studs not required on jambs of openings less than three to five inches wide.
  - E. Wall sheathing may be omitted if corner bracing is used, and rigid siding is used, vinyl siding, aluminum siding and similar siding shall require minimum 7/16 inch wall sheathing. If the corner bracing option is used, each corner is to be braced from top outward in two directions to a minimum of 72 inches from corner to sill plate, and may be applied on the inside surface of studs, minimum one inch by four inches. Let in bracing to be wood, metal, plywood, or equivalent.
  - F. Corner post may be two-inch by four-inch or one four-inch by four-inch.
  - G. Top plate may be single, provided rafters occur directly over studs and plate at corners is lapped to provide tie.

- H. Rafters not less than 2 x 6, collar ties maximum spacing forty eight inches OC. (No attic storage)
- I. Concrete floor, minimum four inches of concrete on minimum four inches compacted gravel, crushed stone or pea gravel for:
  - 1. Garages
  - 2. Sheds/accessory buildings
- J. Due to grade changes, grading and drainage considerations, for wood floors, sheds may be constructed on concrete piers, eight inches minimum round, 18 inches minimum depth below grade on which a wood floor system anchored to the piers, shall be constructed in accordance with Section 23.08.
- K. Sill anchor bolts: 6' OC minimum of 2 for each section of sill plate and within 12" of each corner.
- L. Trusses or rafters maximum spacing 24 inches OC and spans shall comply with Section 2308.10.3 or Section 2308.10.7.
- M. If the shed is 120 square feet in floor area or less, rafters not less than two inches or four inches and collar ties one inch by six inches with maximum spacing forty-eight inches OC and ceiling joist as ties not less than sixteen inches OC. (No attic storage)
- N. Roof sheathing shall be minimum 7/16 inch and comply with American Plywood Association standards.
- O. One-story solid masonry or masonry veneer detached garages and accessory buildings:
  - 1. Comply with construction requirements for one-story dwellings with the following exceptions:
    - a. Combined foundation wall and footing is allowed provided it goes down 42 inches below grade and bottom is flared to 12 inches. Wall width shall be wide enough to support wall above but in no event less than eight inches minimum width.
    - b. Brick veneer framing shall comply with Section 1405.

(Ord 2007-31, 09-04-2007)

## 2. AMENDMENTS TO MECHANICAL CODE

The following provisions shall further apply and shall supersede any and all references listed within the adopted edition of the International Mechanical Code - 2003 Edition.

- a. Section 101.1 Insert "City of Genoa".
- b. Sections 106.5.2, 106.5.3, 108.4 and 108.5 Insert the City of Genoa fee schedule
- c. Section 109 "Means of Appeal" Delete 109.1 -109.7 and Insert -See the Appeals Board created in the Building Code
- d. Amend Code to prohibiting the use of lead pipe, lead fittings and lead solder.
- e. Adopt Appendix A

### 3. AMENDMENTS TO ELECTRICAL CODE

The following provisions shall further apply and shall supersede any and all references listed within the adopted Edition of the National Electrical Code -2002 Edition -N.F.P.A. No. 70.

- a. Article 110 .. Limitations of Conduit Materials. Except for "tap conductors" the use of annored cable, flexible metal conduit and rigid non-metallic conduit shall be prohibited in all new construction and remodeling for commercial buildings, industrial buildings and multi-family dwellings. Flexible metal conduit shall be limited to uses requiring 6 feet or less. The use of rigid metallic conduit, intennediate conduit and electrical metallic conduit shall be permitted.

### 4. AMENDMENTS TO THE INTERNATIONAL RESIDENTIAL CODE

The following provisions shall further apply and shall supersede any and all references listed within the adopted Edition of the International Residential Dwelling Code -2003 Edition

- a. Section: R106.6 No plans shall be approved for permit unless plan are signed sealed either by an architect, structural engineer or a professional licensed by the State of Illinois provided that the person who signs and seals such plans shall be permitted to do so within the limitations of the particular act under which he or she is licensed to practice; such licensed professional shall sign and seal those portions of the plan for which he or she is responsible with the following exceptions.
  - i. Minor alterations to one and two family properties, which do not involve structural changes.

ii. Residential accessory buildings not over 660 square feet in area or 16 feet in height measured from the finished floor to the top of the ridge.

iii. Residential decks that are not roofed over or designed with a structure overhead.

b. Adopt Appendix A, B, C, D, F, G, I, J, K

Appendix G section AG102.1 Change 24 inches to 18 inches in the definition of swimming pool.

c. Table: 301.2a the following information shall be inserted in the Table

Ground Snow Load -----	25
Wind Pressure-----	75
Seismic Condition .-----	0
Subject to Damage from	
Weathering -----	SEVERE
Frost Line Depth-----	42
Termite-----	MODERATE to HEAVY
Decay-----	SLIGHT to MODERATE
Winter Design Temperature -----	-4 degrees
Ice Shield requirement -----	All shingled roofs
Flood Hazard -----	Per the flood hazard study
Air Freezing Index -----	1500
Mean Annual Temperature -----	47.8

f. Section R309.3 All attached garages shall have walls and ceilings covered in 5/8th in type X drywall.

g. Section R309.7 is hereby added to read as follows: "Section 309.4 Curb: A four (4) inch high concrete curb shall be provided between the garage and residence".

h. Chapter 4 The use of wood foundations or footing systems is not allowed.

i. Delete Chapters 25, 26, 27, 28, 29, 30, 31 and 32. Refer to State of Illinois Department of Public Health Plumbing Code of 1998.

j. Adopt Appendix A, B, C, D, F,G, I, J K

k. . Table N1102.1 Climate Zone 14 shall be amended as follows:

Ceilings R-38

Walls R-15

Basement walls\* R-)

\*All other insulation requirements shall remain in effect.

l. Section 1102.1.5 of Table N1102.1 shall be amended as follows:

Basement Walls: When the basement is a conditioned space, the basement walls shall be insulated in accordance with Table N1102.1. Walls shall be insulated at no less than R-15.

In an unconditioned basement there is no insulation requirement other than the rim board at the exterior walls, which shall be R-15.

m. Section R313.3 Carbon Monoxide Detectors: Every dwelling unit shall be equipped with a carbon monoxide detector and alarm in operating condition within 15 feet of every room used for sleeping purposes. The carbon monoxide alarm may be combined with smoke detecting devices provided that the combined unit emits an alarm that clearly differentiates the hazard.

Exception: A residential unit that does not rely on combustion of fossil fuels for heat, ventilation or hot water and is not connected to a garage.

n. Section R313.3.1 Power Source: The required carbon monoxide detector and alarm may be either battery powered, plug-in with battery backup, or wired into the structures electrical power with a secondary battery backup.

o. Section R313.3.2 Alternations, Repairs, and Additions: When interior alterations, repairs or additions requiring a permit occur, or when one or more sleeping rooms are added or created in existing dwelling units, the dwelling unit shall be provided with carbon monoxide detectors as required for new dwellings.

## 5. AMENDMENTS TO FIRE CODE

The following provisions shall further apply and shall supersede any and all references listed within the adopted edition of the International Fire Code- 2003 Edition.

- a. Section F- 101.1 Insert The City of Genoa
- b. Section: F-105.0 Delete the entire section
- c. Section 108 "Means of Appeal"

Delete 108.1 -108.3 and Insert: See the appeals section in the Building Code

- d. Section 109.3, 111.4 See the City of Genoa fee schedule
- e. Adopt Appendix

## 6. AMENDMENTS TO PROPERTY MAINTENANCE CODE

The following provisions shall further apply and shall supersede any and all references listed within the adopted the International National Property Maintenance Code- 2003 Edition.

- a. Section 101.1 Insert "City ofGenoa".
- b. Section 103.5 See the City of Genoa fee schedule
- c. Section 111 "Means of Appear'

Delete 111.1 . 111.8 and Insert: See the appeals section in the Building Code

- d. Section 302.4 Weeds: Delete section and add See Village Ordinance
- e. Section 303.14 Insert screens from "May 1st to October 15th".
- f. Section 602.3 Heat supply required from "September 15th to June 1st".
- g. Section 602.4 Heat supply required from "September 15th to June 1st".
- h. Delete all references to International Plumbing Code and insert the Illinois State Plumbing Code 1998.

## 7. AMENDMENTS TO INTERNATIONAL FUEL GAS CODE

The following provisions shall further apply and shall supersede any and all references listed within the adopted the International Fuel Gas Maintenance Code -2003 Edition.

- a. Section 101.1 Insert "City of Genoa".
- b. Section 106.5.2, 106.5.3, 108.4, 108.5 See the City of Genoa fee schedule
- c. Section 109 Means of Appeal Delete 109.1-109.7 and Insert: See the appeals section in the Building Code
- d. Adopt Appendix A, B,C, D
- e. Delete all references to International Plumbing Code and insert the Illinois State Plumbing Code 1998.

**8. AMENDMENTS TO INTERNATIONAL ENERGY CONSERVATION CODE**

The following provisions shall further apply and shall supersede any and all references listed within the adopted the International National Property Maintenance Code -2003 Edition.

- a. Section 101.1 Insert "City of Genoa"
- b. Adopt the Appendix

**9. General Construction and Carpentry**

- a. It shall be unlawful to operate any and all construction equipment, power and manual equipment and machinery including but not limited to staplers, hammers, saws, compressors, generators, heavy equipment, paving or moving equipment within 300 yards of any residence, care facility or hospital between the following hours and time:

Monday through Friday-	9:00 PM to 7:00 AM
Saturday	9:00 PM Friday Through 8:00AM Saturday
Sunday and National Holidays	
	9:00 PM Saturday or the day preceding the holiday through
	10:00 AM Sunday or the holiday

Construction activity for emergencies may be allowed during the restricted time periods only upon issuance of a permit by the Building Commissioner.

(ORD 2003-28, 12-16-2003)



C. Interpretation And Application Of Building Code Provisions:

1. Name Of Municipality: References in the Building Codes herein adopted to "Name of Municipality" shall mean the City of Genoa.
2. Building Official: References in the Building Code to the Building Official shall mean the Building Inspector for the City. Provisions of the Building Code pertaining to appointment and qualifications of the Building Official shall not apply. (Ord. 846, 3-8-1994)

D. Hearing Officer: The Hearing Officer created under Title 2, Chapter 2, of this Code shall serve as the Hearing Officer for Building Code matters, and the provisions of the International Code setting forth the creation and membership of the Board of Appeals shall not apply. (Ord. 846, 3-8-1994; amd. Ord. 1995-11, 4-25-1995)

E. Penalty: Any person who violates the Building Code herein adopted shall be subject to the penalties provided for violation of the City Code. Provisions of the International Building Code adopted pertaining to penalties shall not apply. (Ord. 846, 3-8-1994)

F. Building Permit Requirements:

- i. The permit requirements shall apply to all building, structures and construction.
- ii. A permit application shall be denied if the plans submitted do not conform to all the requirements and ordinances of the City which denial shall be stated in writing.
- iii. The Building Department shall with the issuance of a building permit furnish the permittee a placard which must be on the job at all times conspicuously posted on the job site which may not be removed until issuance of an occupancy permit.
- iv. All building permits shall expire 6 months from issuance if substantial construction is not commenced within such time and shall in all cases expire 18 month from issuance at which time all construction must cease until a permit extension is obtained. All work required to be done in accordance with the submitted plans and specifications shall be completed within the term of the permit.
- v. Demolition permits shall expire 90 days after issuance.
- vi. No fees shall be refunded on lapsed permits
- vii. A final occupancy certificate shall be secured before any building is occupied. In addition, a final occupancy certificate shall not be issued until all work covered by the permit is completed in compliance with the ordinances of the City, the permit and submitted plans and specifications.

- viii. Temporary Occupancy Permit: That permit issued by the City Building Department allowing occupancy of a building or structure intended for occupancy prior to final inspection and issuance of an occupancy permit.

Escrow: The sequestered amount approved by the Building Department and/or the City Engineer and created by an applicant for a temporary occupancy permit running in favor of the said applicant and the City to guarantee completion of the building, structure or construction.

Building Department: The Building Department of the City of Genoa as administered by the City Building Inspector or if none, the Mayor and City Council.

Provisions:

- a A Temporary Occupancy Permit may be issued by the Building Department upon such other terms as may be contained herein where the items to be completed are limited to driveways when weather does not allow the work to be completed, landscaping and site work for only single family homes.
- b A Temporary Certificate of Permit may be otherwise issued at the sole discretion of the Building Commissioner allowing occupancy of a building or structure intended for occupancy prior to final inspection by said department and issuance of a final occupancy permit.
- c A Temporary Occupancy Permit may be issued upon the following conditions:
  - i Approval by the Building Inspector of all then completed items.
  - ii Proper provisions for health and safety.
  - iii Verification by the City Building Inspector or City Engineer of all uncompleted items of construction within the building or on the site and the estimated amount thereof.
  - iv Written agreement by the applicant of a temporary occupancy permit shall identify the items and date to be completed
  - v Posting of an escrow in a sum no less that 125% of the cost of completion as determined by the Building Department or City Engineer.
- ix. Certificate Of Occupancy; Conditions: No certificate of occupancy shall be applied for or issued until such time that a paved surface has been provided for all driveways, approaches, and parking areas. The paving must meet City specifications. In the event of adverse weather preventing the installation of such paved surfaces, in escrow may be provided to the City in the amount of one hundred ten percent (125%) of the estimated cost of the paving. The escrow will be returned to the applicant upon completion of the paving or shall be used by the City to pay for paving in the event the applicant fails to comply with this requirement. This requirement shall not apply to drives, approaches, and parking areas for park and recreational sites owned or administered by any unit of local government. (Ord. 882, 11-22-1994)

## **9-1-2: ELECTRICAL CODE:**

- A. Adoption Of Code: The "National Electrical Code", 2002 NFPA 70, as the rules and regulations of the National Fire Protection Association, are hereby adopted by reference and are declared to be the minimum requirements for the installation, alteration, and use of electrical equipment in the City. (Ord. 847, 3-8-1994; amd. Ord. 96-50-3, 7-23-1996)
  
- B. Copies On File: The National Electrical Code shall be kept on file as follows: one copy in the Finance Office and one copy furnished to the City Building Inspector (Ord 2015-19, 10-6-2015).
  
- C. Electrical Permits: No person shall install electrical equipment without a permit therefore, unless excepted therefrom by provisions of the National Electrical Code. Permits for the installation, alteration and use of electrical equipment shall be issued only on receipt of an application therefore, made out on a form to be issued by the Electrical Inspector and submitted to the Electrical Inspector and upon payment of the fee in advance as hereinafter provided. Application for such permit shall contain the name of the owner or user of the electrical equipment to be installed, altered or used; and the location by street and number; and a detailed description of the work to be done.
  
- D. Penalty: Any person who fails or refuses to comply with the provisions of this Section, including the National Electrical Code, incorporated herein by reference, shall be subject to the penalties provided in Section 1-4-1 of this Municipal Code, and any electrical contractor or electrician who shall do any electrical work, or willfully permit it to be done, in violation hereof shall be liable for the penalties, and in addition thereto, any such person shall be required to remove such improper construction at his/her own expense. (Ord. 847, 3-8-1994)

## **9-1-3: PLUMBING CODE:**

- A. State Plumbing Code Adopted: The "Illinois State Plumbing Code", 2014 Edition, and all amendments and supplements thereto, is hereby adopted and incorporated herein by reference as and for the Plumbing Code of the City.
  
- B. Code On File The Plumbing Code shall be kept on file in the Finance Office to be available for public inspection and use (Ord 2015-19, 10-6-2015).

- C. Enforcement: The City Council shall designate such person to enforce the Plumbing Code adopted by this Section. (Ord. 848, 3-8-1994)

#### **9-1-4: FIRE PREVENTION CODE:**

- A. Code Adopted: The "International Fire Code", 2003 Edition, and appendices thereto, as published by the Building and Code Officials International, Inc., is hereby adopted by reference in its entirety subject to modifications of this Chapter and shall be applicable in the City. (Ord. 849, 3-8-1994; amd. Ord. 96-50-3, 7-23-1996)
- B. Code On File: The Fire Prevention Code herein adopted shall be kept on file as follows: one in the Finance Office and one to be furnished to the Building Inspector of the City (Ord 2015-19, 10-6-2015).
- C. Name Of The Municipality: References in the Fire Prevention Code herein adopted to "Name of Municipality" shall mean the City of Genoa.
- D. Penalty: Any person who violates the Fire Prevention Code herein adopted shall be subject to the penalties provided for violation of the City Code.
- E. Amendments And Modifications To Code: Section F-311 Establishment of Fire Lanes on Private Property Devoted to Public Use: The Fire Lanes referred to in Section 311 of the Fire Prevention Code are hereby established as follows:  
  
None
- F. Enforcement: The Fire Prevention Code adopted herein shall be enforced by the Chief of the Genoa-Kingston Fire Department and the Chief of Police of the City of Genoa, or other enforcing officer appointed by the Mayor of Genoa. (Ord. 849, 3-8-1994)

#### **9-1-5: MECHANICAL CODE:**

- A. International Mechanical Code Adopted: The "International Mechanical Code", 2003, is hereby adopted by reference in its entirety subject to the modifications of this Chapter and shall be applicable to the City. (Ord. 850, 3-8-1994; amd. Ord. 96-50-3, 7-23-1996)

- B. Code On File: The Mechanical Code herein adopted shall be kept on file as follows: one in the Finance Office and one to be furnished to the Building Inspector of the City (Ord 2015-19, 10-6-2015).
- C. Interpretation; Name Of The Municipality: References in the Mechanical Code herein adopted to "Name of Municipality" shall be the City of Genoa. (Ord. 850, 3-8-1994)
- D. Penalty: Any person who fails or refuses to comply with the provisions of this Section including the International Mechanical Code, 2003, incorporated herein by reference shall be subject to the penalties provided in Section 1-4-1 of this Municipal Code. (Ord. 850, 3-8-1994; amd. Ord. 96-50-3, 7-23-1996)

## **CHAPTER 2 ADDITIONAL CODES AND REQUIREMENTS**

### **9-2-1: Flat Work and Paving**

### **9-2-2: Overlot Grading Plans for Subdivisions and New Construction**

### **9-2-1: Flat Work and Paving**

- A. All driveways, patios, stoops, sidewalks and other work normally referred to as flat work or paving requires a building permit.
- B. All driveways, patios, stoops, sidewalks, and other work normally referred to as flat work or paving be installed in accordance with Title 11, referred to as the Unified Development Ordinance, and all other adopted ordinances and codes.

All driveways, patios, stoops, sidewalks and other work normally referred to as flat work or paving

### **9-2-1: REQUIREMENTS**

- A. Building Permit: For review of compliance with any applicable subdivision play as to front, side and rear yard setbacks, and the maximum lot coverage requirements for the applicable zoning district, site plan showing the following information shall be submitted as a condition for issuance of a building permit.
  1. A survey showing lot lines lot dimensions, building lines and easements.
  2. Proposed building with top of foundation elevation, building dimensions and dimensions to lot lines.
  3. Proposed lot grading in substantial compliance with the previous approved subdivision grading plans.

4. The signature and seal of an Illinois licensed professional engineer or land surveyor.
- B. Before Framing: for review of substantial compliance with the approved site plan, a plat of survey showing the following information shall be submitted as a condition for issuance of a framing permit:
1. As-built location and dimensions of the foundation and the top of foundation elevation(s).
  2. The seal of an Illinois licensed professional land surveyor.
- C. Certificate of Occupancy: For review of substantial compliance with the approved site plan, an as-built grading plan showing the following information shall be submitted as a condition for issuance of a certificate of occupancy:
1. Finish grades of the lot, building with top of foundation, building dimensions and set backs to lot lines, with spot elevations at locations indicated on the approved site plan.
  2. The seal of an Illinois licensed professional engineer or land surveyor.
- D. The code of Official or the City Engineer shall not waive any of these requirements.
1. Erosion Control Measures:
    - a. Erosion control measures shall be designed in accordance with the standards and requirements contained in "Procedures and Standards for Soil Erosion and Sedimentation Control in Illinois" are hereby incorporated into this Ordinance by reference.
    - b. Each Building Permit Application shall be accompanied by a site plan as required and including a description of all soil and erosion and sedimentation control measures to be taken to meet the objectives of the Ordinance throughout all phases of construction and permanently after completion of development of the site.
    - c. Probable Storm Damage: Where it appears that storm damage may result because the grading on any development site is not complete, work may be stopped and the permittee required to install temporary structures or take such other measures as may be required to protect adjoining property or the public safety.
    - d. The Code Official or the City Engineer may waive specific requirements for the content of submissions upon finding that the information submitted is sufficient to show that the work will comply with the objectives and principals of this ordinance. The waiver of requirements shall be in writing and I the records of the permit file in the Building Department.
- E. Penalties: Any person who violates this section and has been issued a citation signed by a City Law Enforcement Officer of this section shall be fined in accordance with Section 1-4-1.

## **CHAPTER 3 RESERVED**

(Ordinance 2018-22, July 3, 2018)

## **CHAPTER 4 NUMBERING BUILDINGS**

### **SECTION:**

**9-4-1: Numbering Buildings Required**

**9-4-2: Method of Numbering Established**

**9-4-3: Unit System of Numbering**

**9-4-4: Penalty**

### **9-4-1: NUMBERING BUILDINGS REQUIRED:**

It is the duty of the owner of any building situated in the City to place numbers in a conspicuous place on the building. (1978 Code §5.25)

### **9-4-2: METHOD OF NUMBERING ESTABLISHED:**

The following basis is established for the numbering of lots and buildings in the City:

- A. The base or dividing line east and west in the City shall be Sycamore Street; the dividing line north and south shall be Main Street.
- B. All blocks and streets except as hereinafter provided shall be divided into as many twenty five foot (25') spaces as possible.
- C. When numbering east from Sycamore Street, measurements shall commence from the east line of Sycamore Street, and when numbering south from Main Street, from the south line thereof.
- D. Measurements shall extend from said starting points respectively along the block frontage and across the next street, which place shall be a new starting point, and said measurements shall in a similar manner be continued along the whole street.

- E. The blocks and streets on Main Street, west of Sycamore Street and east of State Street shall be divided into as many twelve and one-half foot (12 1/2') spaces as possible.
- F. In fixing the said spaces on the south side of West Main Street between Emmett Street and Washington Street the east line of lot 1 in block 1 of the original town of Genoa shall be regarded as a street and all spaces west thereof to Washington Street shall be assigned numbers as though in the fourth block west of Sycamore Street.
- G. In fixing such spaces on the east side of South Genoa Street the alley between Central Subdivision to Genoa and Traveler's Second Addition to Genoa shall be regarded as a street, and all spaces south thereof to Church Street shall be assigned numbers as though in the second block south of Main Street.
- H. In fixing said spaces on the west side of South Sycamore Street the south line of lot 5 of Central Subdivision to Genoa shall be regarded as a street and all spaces south thereof to Church Street shall be assigned numbers as though in the second block south of Main Street.
- I. Each block and street as aforesaid shall be divided into as many twenty five foot (25') spaces or twelve and one-half foot (12 1/2') spaces, as hereinbefore provided, as possible, and in the event any lot as shown and a fraction thereof, then such fraction is to be considered and treated as a whole space and a number is to be assigned therefor. (1978 Code §5.25)

### **9-4-3: UNIT SYSTEM OF NUMBERING:**

- A. The numbering shall be made on a unit system; that is, each block and street or lines designated herein as streets shall be one hundred (100) and multiples of one hundred (100). All of said spaces abovementioned shall be numbered from said base or dividing lines.
- B. All of said spaces on the east or south side of any street shall be numbered with even numbers, commencing at the base line with number one hundred two (102) and numbering consecutively therefrom to the next starting point and then in each case the second multiple of one hundred (100) shall be used, and so on, along the entire length of the street.
- C. All of said spaces on the west or north side of any street shall be numbered with odd numbers, commencing at the base line with number one hundred one (101) and numbering consecutively therefrom to the next starting point and then in each case



the second multiple of one hundred (100) shall be used, and so on, along the entire length of said street. (1978 Code §5.25)

#### **9-4-4: PENALTY:**

- A. Any person who violates this section and has been issued a citation signed by a City Law Enforcement Officer of this section shall be fined in accordance with Section 1-4-1.

## **CHAPTER 5 MOVING BUILDINGS**

### **SECTION:**

- 9-4-1: Permit Required**  
**9-4-2: Permit Procedure**

#### **9-4-1: PERMIT REQUIRED:**

No person shall move a building on any street without a permit therefor. (1978 Code §5.24)

cial populations at risk.

Examples of critical facilities where flood protection should be required include: emergency services facilities (such as fire and police stations), schools, hospitals, retirement homes and senior care facilities, major roads and bridges, critical utility sites (telephone switching stations or electrical transformers, and hazardous material storage facilities (chemicals, petrochemicals, hazardous or toxic substances).

DEVELOPMENT: Any man-made change to real estate including but not necessarily limited to:

1. Demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building;
2. Substantial improvements of an existing building;

3. Installation of manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than one hundred eighty (180) days per year;
4. Installation of utilities, construction of roads, bridges, culverts or similar projects;
5. Construction or erection of levees, dams, walls or fences.
6. Drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;
7. Storage of materials including the placement of gas and liquid storage tanks, and channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

“Development” does not include routine maintenance of existing buildings and facilities, resurfacing roads, or gardening, plowing, and similar practices that do not involve filing, grading, or construction of levees.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA: Federal Emergency Management Agency

FLOOD: A general and temporary condition of partial or complete inundation of normally dry land areas from overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

FLOOD FRINGE: That portion of the floodplain outside of the regulatory floodway.

FLOOD INSURANCE RATE MAP: A map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

**FLOOD INSURANCE STUDY:** An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

**FLOODPLAIN AND SPECIAL FLOOD HAZARD AREA (SFHA):** These two terms are synonymous. Those lands within the jurisdiction of the City of Genoa, the extraterritorial jurisdiction of the City of Genoa, or that may not be annexed into the City of Genoa, that are subject to inundation by the base flood. The floodplains of the City of Genoa are generally identified as such on panel numbers 0125E, 0154E, and 0175E, of the countrywide Flood Insurance Rate Map of the County of DeKalb prepared by the Federal Emergency Management Agency and dated January 2, 2009. Floodplain also includes those areas of known flooding as identified by the community.

The floodplains of those parts are unincorporated DeKalb County that are within the extraterritorial jurisdiction of the City of Genoa or that may be annexed into the City of Genoa are generally identified as such on the Flood Insurance Rate map prepared for DeKalb County by the Federal Emergency Management Agency and dated January 2, 2009.

**FLOODPROOFING:** Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.

**FLOODPROOFING CERTIFICATE:** A form published by the Federal Emergency Management Agency that is used to certify that a building has been designed and constructed to be structurally dry flood proofed to the flood protection elevation.

**FLOOD PROTECTION ELEVATION (FPE):** The elevation of the base flood plus one foot of freeboard at any given location in the floodplain.

**FLOODWAY:** That portion of the floodplain required to store and convey the base flood. The floodway for the floodplains of the Kishwaukee River and Deer Creek shall be as delineated on the countrywide Flood Insurance Rate Map of DeKalb County prepared by FEMA and dated January 2, 2009. The floodways for each of the remaining floodplains of the City of Genoa shall be according to the best data available from the federal, State, or other sources.

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

**HISTORIC STRUCTURE:** Any structure that is:

1. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic district or as district preliminarily determined by the Secretary to qualify as a registered historic district.
3. Individually listed on the state inventory of historic places that has been certified by the Illinois Historic Preservation Agency.

IDNR/OWR: Illinois Department of Natural Resources/Office of Water Resources.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor. Provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 7 of this ordinance.

MANUFACTURED HOME: A structure transportable in one or more sections, that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two or more lots for rent or sale.

NEW CONSTRUCTION: Structures for which the start of construction commenced or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements of such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

NFIP: National Flood Insurance Program

RECREATIONAL VEHICLE OR TRAVEL TRAILER: A vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less in size;
3. Designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

REPETITIVE LOSS: Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such

flood event on the average equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

SFHA: See definition of floodplain.

START OF CONSTRUCTION: Includes substantial improvement and means the date the building permit was issued. This, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement, was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or placement of a manufactured home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building whether or not that alteration affects the external dimensions of the building.

STRUCTURE: (see "Building")

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition or improvement of a structure taking place during the life of the building in which the cumulative percentage of improvements:

- equals or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair if started, or
- increases the floor area by more than more than twenty percent (20%).

"Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done.

The term does not include:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
2. Any alterations of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

VIOLATION: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the required federal, state, and/or local permits and elevation certification is presumed to be in violation until such time as documentation is provided. (1978 Code §24.06.02; Ord 2008-37, 12-16-08)

### **9-5-3: BASE FLOOD ELEVATION:**

This Chapter's protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace existing data with better data and submit it to the FEMA and IDNR/OWR for approval prior to any development of the site.

- A. The base flood elevation for the floodplains of the Kishwaukee River and Deer Creek shall be as delineated on the 100-year flood profiles in the countywide Flood Insurance Study of DeKalb County prepared by the Federal Emergency Management Agency and January 2, 2009.
- B. The base flood elevation for each floodplain delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the county wide Flood Insurance Rate Map of DeKalb County.
- C. The base flood elevation for each of the remaining floodplains delineated as a "A Zone" on the countrywide Flood Insurance Rate Map of DeKalb County shall be according to the best data available from federal, state or sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.
- D. The base flood elevation for the floodplains of those parts of the unincorporated DeKalb County that are within extraterritorial jurisdiction of the City of Genoa, or that may be annexed into the City of Genoa, shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of DeKalb County prepared by the Federal Emergency Management Agency and dated January 2, 2009. (1978 Code §24.06.04; Ord 2008-37, 12-16-08)

### **9-5-4: Duties of the Building Inspector**

The building inspector shall be responsible for the general administration of this ordinance and ensure that all development activities within the floodplains under the jurisdiction of the City of Genoa meet the requirements of this ordinance. Specifically the Building Inspector shall:

- A. Process development permits in accordance with Section 5;
- B. Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of Section 6;

- C. Ensure that the building protection requirements for all buildings subject to Section 7 are met and maintain a record of the “as-built” elevation of the lowest floor (including basement) or floodproof certificate;
- D. Assure that all subdivisions and annexations meet the requirements of Section 8;
- E. Ensure that water supply and waste disposal systems meet the Public Health standards of Section 9;
- F. If a variance is requested, ensure that the requirements of Section 11 are met and maintain documentation of any variances granted;
- G. Inspect all development projects and take any and all penalty actions outlined in Section 13 as a necessary to ensure compliance with this ordinance;
- H. Assure that applicants are aware of and obtain any and all other required local, state, and federal permits
- I. Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;
- J. Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;
- K. Cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this ordinance;
- L. Maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this ordinance;
- M. Perform site inspections to ensure compliance with this ordinance and make substantial damage determinations for structures within the floodplain, and
- N. Maintain accuracy of the floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within six months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.

### **9-5-5: Development Permit**

No person, firm, corporation, or governmental body not exempted by law shall commence any development in the floodplain without first obtaining a development permit from the Building Inspector. The Building Inspector shall not issue a development permit if the proposed development does not meet the requirements of this ordinance.

- A. The application for development permit shall be accompanied by:
1. Drawings of the site, drawn to scale showing property line dimensions;
  2. Existing grade elevations and all changes in grade resulting from excavation or filling;
  3. The location and dimensions of all buildings and additions to buildings;
  4. The elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 7 of this ordinance, and
  5. Cost of project or improvements as estimated by a licensed engineer or architect.  
A signed estimate by a contractor may also meet this requirement.
- B. Upon receipt of an application for a development permit, the Building Inspector shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by the base flood elevation. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the sites' first Flood Insurance Rate Map is not in the floodplain and therefore not subject to the requirements of this ordinance. Conversely, any development located on land shown to be below the base flood elevation and hydraulically connected, but not shown on the current Flood Insurance Rate Map, is subject to the provisions of this ordinance.

The Building Inspector shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the sites' first Flood Insurance Rate Map identification.

The Building Inspector shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits, approvals or permit-not-required letters that may be required for this type of activity. The Building Inspector shall not issue a permit unless all other federal, state, and local permits have been obtained.

### **9-5-6: PREVENTING INCREASED FLOOD HEIGHTS AND RESULTING DAMAGES:**

Within any floodway identified on the countywide Flood Insurance Rate Map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

- A. Except as provided in Section 6(B) of this ordinance, no development shall be allowed which, acting in combination with existing anticipated development will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement.



1. Bridge and culvert crossings of streams in rural areas meeting the following conditions of the Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 2:
  - a. The crossing will not result in an increase in water surface profile elevation in excess of 1.0 feet, and
  - b. The crossing will not result in an increase in water surface profile elevation in excess of one half (0.5) feet at a point one thousand (1,000) feet upstream of the proposed structure.
  - c. There are no buildings in the area impacted by the increases in water surface profile.
  - d. The proposed bridge or culvert crossing will not involve straightening, enlarging, or relocating the existing channel.
  - e. The design must be certified by a licensed professional engineer in the State of Illinois and the designs must meet the conditions of the IDNR/OWR permit.
  - f. The design must be certified by a second licensed professional engineer.
2. Barge fleeting facilities meeting the following conditions of IDNR/OWR Statewide Permit Number 3:
  - a. The permit is only applicable when deadmen, pier cells, or other similar anchorage devices have been permitted by the U.S. Army Corps of Engineers
3. Aerial utility crossings meeting the following conditions of IDNR/OWR Statewide Permit Number 4:
  - a. The utility line must be constructed above the existing 100-year flood elevation or attached to an existing bridge.
  - b. A utility line attached to an existing bridge shall be constructed above the low cord elevation of the bridge.
  - c. No supporting towers or poles shall be located in a river, lake or stream.
  - d. Supporting towers including foundation and poles shall be designed and located so as to not cause an obstruction of flood flows by trapping debris.
  - e. All disturbed areas shall be returned to pre-construction grades and re-vegetated.
  - f. All Illinois Commerce Commission, National Electrical Safety Code, and federal requirements must be met.
4. Minor boat docks meeting the following conditions of IDNR/OWR Statewide Permit Number 5:
  - a. a boat dock must not extend more than fifty (50) feet into a waterway and no more than one quarter (1/4) of the width of the waterway and shall not extend beyond the navigational limited established by the IDNR and Corps of Engineers.
  - b. The width of the boat dock shall not be more than ten (10) feet.

- c. For L-Shaped or T-shaped docks, the length of that portion parallel to the shoreline must not exceed fifty percent (50%) of the landowner's shoreline frontage nor fifty (50) feet.
  - d. Docks must be aligned so as not to cross the projection of property lines into the waterway or come within ten (10) feet of the projected property line.
  - e. Dock posts must be marked by reflective devices.
  - f. The boat dock must be securely anchored to prevent detachment during times of high wind or water.
  - g. Metal drums or containers may not be used as buoyancy units unless they are filled with floatation foam. Containers which previously stored pesticides, herbicides, or any other toxic chemical are not permissible.
  - h. This permit does not authorize any other related construction activity such as shore protection or fill.
  - i. Non-floating boat docks must be constructed in a manner which will minimize obstruction to flow.
  - j. At any future date, the permittee must agree to make necessary modifications to the dock as determined by the IDNR or Corp of Engineers.
5. Minor, non-obstructive activities meeting the following conditions of IDNR/OWR Statewide Permit Number 6:
- a. The following activities (not involving fill or positive change in grade) are covered by this permit.
    - i. The construction of underground utility lines, wells, or septic tanks not crossing a lake or stream.
    - ii. The construction of light poles, sign posts, and similar structures.
    - iii. The construction of sidewalks, driveways, athletic fields (excluding fences), patios, and similar structures.
    - iv. The construction of properly anchored, unwalled, open structures such as playground equipment, pavilions, and carports.
    - v. The placement of properly anchored buildings not exceeding seventy (70) square feet in size, nor ten (10) square feet in any dimension. Only one such building on a property is authorized by this statewide permit.
    - vi. The raising of existing buildings, provided no changes are made to the outside dimensions of the building and the placement of fill is not involved.
6. Outfall Structures and drainage ditch outlets meeting the following conditions of IDNR/OWR Statewide Permit Number 7:
- a. Any outfall structure, including any headwall or end-section, shall not extend riverward or lakeward of the existing adjacent natural bank slope or adjacent bank protection.
  - b. The velocity of the discharge shall not exceed the scour velocity of the channel soil, unless channel erosion would be prevented by the use of riprap or other design measures.

- c. Outlets from drainage ditches shall not be opened to a stream until the ditch is vegetated or otherwise stabilized to minimize stream sedimentation.
  - d. Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including the stream banks, shall be restored to their original contours and seeded or otherwise stabilized upon completion of construction.
7. Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 8:
- a. In all cases, the crossing shall be placed beneath the bed of the river, lake or stream and, unless the crossing is encased in concrete or entrenched in bedrock, a minimum of three (3) feet of cover shall be provided. The river, lake or stream bed shall be returned to its original condition.
  - b. Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including stream banks, shall be restored to their original contours and seeded or otherwise stabilized upon completion of construction.
  - c. Any utility crossing carrying material which may cause water pollution, as defined by the Environmental Protection Act (415 ILCS 5), shall be provided with shut-off valves on each side of the body of water to be crossed.
  - d. If blasting is to be utilized in the construction of the crossing, the permittee shall notify the IDNR/OWR at least ten (10) days prior to the blasting date to allow monitoring of any related fish kills.
8. Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit Number 9L
- a. Only the following materials may be utilized in urban areas: stone and concrete riprap, steel sheet piling, cellular blocks, fabric-formed concrete, gabion baskets, rock and wire mattresses, sand/cement filled bags, geotechnical fabric materials, natural vegetation and treated timber. Urban areas are defined as: areas of the State where residential, commercial, or industrial development currently exists or, based on land use plans or controls, is expected to occur within ten (10) years. (The Department should be consulted if there is a question of whether or not an area is considered urban).
  - b. In addition to the materials listed in Section 6 (A)(8)(a), other materials (e.g. tire revetments) may be utilized in rural areas provided all other conditions of this permit are met.

- c. The following materials shall not be used in any case: auto bodies, garbage debris, scrap lumber, metal refuse, roofing materials, asphalt or other bituminous materials, or any material which would cause water pollution as defined by the Environmental Protections Act (415 ILCS 5).
- d. The affected length of shoreline, stream bank, or channel to be protected shall not exceed, either singularly or cumulatively, one thousand (1000) feet.
- e. All material utilized shall be properly sized or anchored to resist anticipated forces of current and wave action.
- f. Materials shall be placed in a way which would not cause erosion or the accumulation of debris on properties adjacent to or opposite the project.
- g. Materials shall not be placed higher than the existing top of the bank.
- h. Materials shall be placed so that the modified bank full-width and cross-sectional area of the channel will conform to or be no more restrictive than that of the natural channel upstream and downstream of the site.

For projects involving continuous placement of riprap along the bank, toe of the bank or other similar applications, in no case shall the cross-sectional area of the natural channel be reduced by more than ten percent (10%) nor the volume of material placed exceed two (2) cubic yards per lineal foot of the stream bank or shoreline. The bank may be graded to obtain a flatter slope and to lessen the quantity of material required.

- i. If broken concrete is used, all protruding materials such as reinforcing rods shall be cut flush with the surface of the concrete and removed from the construction area.
  - j. Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed areas shall be seeded or otherwise stabilized upon completion of construction.
  - k. In the case of seawalls and gabion structures on lakes, the structure shall be constructed at or landward of the water lines as determined by the normal pool elevation, unless:
    - i. It is constructed in alignment with an existing seawall(s) or gabion structure(s), and
    - ii. The volume of material placed, including the structure, would not exceed two (2) cubic yards per lineal foot.
  - l. Excess material excavated during the construction of the bank or shoreline protection shall be placed in accordance with local, state, and federal laws and rules, shall not be placed in a floodway.
9. Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit Number 10:
- a. The accessory structure or building addition must comply with the requirements of the local floodplain ordinance.

- b. The principle structure to which the project is being added must have been in existence on the effective date of this permit (June 25, 1988).
  - c. The accessory structure or addition must not exceed five hundred (500) square feet in size and must not deflect floodwaters onto another property, and
  - d. Must not involve the placement of any fill material.
  - e. No construction shall be undertaken in, or within fifty (50) feet of the bank of the stream channel.
  - f. The accessory structure or addition must be properly anchored to prevent its movement during flood conditions.
  - g. Only one accessory structure or addition to an existing structure shall be authorized by this permit; plans for any subsequent addition must be submitted to IDNR/OWR for review.
  - h. Disturbances of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas shall be seeded or otherwise stabilized upon completion of construction.
10. Minor maintenance dredging activities meeting the following conditions of IDNR/OWR Statewide Permit Number 11:
- a. The affected length of the stream shall not either singularly or cumulatively exceed one thousand (1000) feet.
  - b. The project shall not include the construction of any new channel; all work must be confined to the existing channel or to reestablishing flows in the natural stream channel, and
  - c. The cross-sectional area of the dredged channel shall conform to that of the natural channel upstream and downstream of the site.
  - d. Dredged or spoil material shall not be disposed of in a wetland and shall be either:
    - i. removed from the floodway;
    - ii. Used to stabilize an existing bank provided no materials would be placed higher than the existing top of bank and provided the cross-sectional area of the natural channel would not be reduced more than ten percent (10%), nor the volume of material placed exceed two (2) cubic yards per lineal foot of streambank;
    - iii. Used to fill an existing washed out or scoured floodplain area such that the average natural floodplain elevation is not increased;
  - iv. Used to stabilize an existing levee provided the height of the levee would not be increased nor its alignment changed;
  - v. placed in a disposal site previously approved by the Department in accordance with the conditions of the approval, or

vi. Used for beach nourishment, provided the material meets all applicable water quality standards.

e. Disturbance of streamside vegetation shall be kept to a minimum during construction during construction to prevent erosion and sedimentation. All disturbed floodway areas, including the stream banks, shall be seeded or otherwise stabilized upon completion of construction.

11. Bridge and culvert replacement structures and bridge widening meeting the following conditions of IDNR/OWR statewide Permit Number 12:

a. A licensed professional engineer shall determine and document that the existing structure has not been the cause of demonstrable flood damage. Such documentation shall include, at minimum, confirmation that:

- i. No buildings or structures have been impacted by the backwater induced by the existing structure, and
- ii. There is no record of complaints of flood damages associated with existing structure.

b. A licensed professional engineer shall determine that the new structure will provide the same or greater effective waterway opening as the existing structure. For bridge widening projects the existing piers and the proposed pier extensions must be in line with the direction of the approaching flow upstream of the bridge.

c. The project shall not include any appreciable raising of the approach roads. (This condition does not apply if all points on the approaches exist at an elevation equal to or higher than the 00-year frequency flood headwaer elevation as determined by a FEMA flood insurance study completed or approved by IDNR/OWR.

d. The project shall non involve the straightening, enlargement or relocation of the existing channel of the river or stream except as permitted by the Department's Statewide Permit Number 9 (Minor Shoreline, chancel and Streambank Protection Activities) or Statewide Permit Number 11 (Minor Maintenance Dredging Activities).

e. The permittee shall maintain records or projects authorized by this permit necessary to document compliance with the above conditions.

12. Temporary construction activities meeting the following conditions of IDNR/OWR statewide Permit Number 13:

a. No temporary construction activity shall be commenced until the individual permittee determines that the permanent structure (if any) for which the

work is being performed has received all required federal, state and local authorizations.

- b. The term “temporary” shall mean not more than one construction season. All temporary construction materials must be removed from the stream and floodway within one year of their placement and the area returned to the conditions existing prior to the beginning of construction. Any desired subsequent or repetitive material placement shall not occur without the review and approval of the IDNR/OWR.
- c. The temporary project shall be constructed such that it will not cause erosion or damage due to increases in water surface profiles to adjacent properties. For locations where there are structures in the upstream floodplain, the temporary project shall be constructed such that all water surface profile increases, due to the temporary project, are contained within the channel banks.
- d. This permit does not authorize the placement or construction of any solid embankment or wall such as a dam, roadway, levee, or dike across any channel or floodway.
- e. No temporary structure shall be placed within any river or stream channel until a licensed professional engineer determines and documents that the temporary structure will meet the requirements of Special Condition Number 3 of this statewide permit. Such documentation shall include, at a minimum, confirmation that no buildings or structures will be impacted by the backwater induced by the temporary structure.
- f. The permittee shall maintain records or projects authorized by this permit necessary to document compliance with the above condition.
- g. Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed areas shall be seeded or otherwise stabilized upon completion of the removal of the temporary construction.
- h. Materials used for the project shall not cause water pollution as defined by the Environmental Protection Act (415 ILCS 5).

13. Any development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from State Floodway permit requirements.

B. Other development activities not listed in 6(A) may be permitted only if:

- 1. Permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required), or

Sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.

### **9-5-7: PROTECTING BUILDINGS:**

- A. In addition to the damage prevention requirements of Section 6 of this ordinance, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:
1. Construction or placement of a new building or alteration or addition to an existing building valued at more than one thousand dollars (\$1,000) or seventy square feet.
  2. Substantial improvements or structural alterations made to an existing building that increase the floor area by more than twenty percent (20%) or equal to exceed the market value by fifty percent (50%). Alteration shall be figured cumulatively during the life of the building. If substantially improved, the existing structure and the addition must meet the flood protection standards of this section.
  3. Repairs made to a substantially damaged building. These repairs shall be figured cumulatively during the life of the building. Of substantially damaged the entire structure must meet the flood protection standards of this section.
  4. Installing a manufactured home on a new site or a new manufactured home on an existing site. (The building protection requirements do not apply to a returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage).
  5. Installing a travel trailer or recreational vehicle on a site for more than one hundred eighty (180) days per year.
  6. Repetitive loss to an existing building as defined in Section 2.
- B. Residential or non-residential buildings can meet the building protection requirements by one of the following methods:
1. The building may be constructed on permanent land fill in accordance with the following:
    - a) The lowest floor (including basement) shall be at or above the floor protection elevation.
    - b) The fill shall be placed in layers o greater than six inches before compaction and should extend at least ten (10) feet beyond the foundation before sloping below the flood protection elevation.
    - c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure.
    - d) The fill shall be composed of rock or soil and not incorporated debris or refuse material, and



- e) Shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary stormwater management techniques such as swales or basins shall be incorporated.
2. The building may be elevated on solid walls in accordance with the following.
    - a. The building or improvements shall be elevated on stilts, piles, walls, crawlspace, or other foundation that is permanently open to flood waters.
    - b. The lowest floor and electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation.
    - c. If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a licensed professional engineer or by having a minimum of one (1) permanent opening on each wall no more than one (1) foot above grade with a minimum of two (2) openings. The openings shall provide a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding below the base flood elevation, and
    - d. The foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice, and floating debris.
      - i. All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage.
      - ii. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed.
      - iii. The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space, or
      - iv. in lieu of the above criteria, the design methods to comply with these requirements may be certified by a licensed professional engineer or architect.
  3. The building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:
  4. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
  5. Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of

floodwaters. A minimum of one opening on each wall having a total net area of not less than one (1) square foot of enclosed area. The openings shall be no more than one (1) foot above grade.

6. The interior of the crawlspace below the flood protection elevation must not be more than two (2) feet below the lowest adjacent exterior grade.
7. The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundations wall must not exceed four (4) feet at any point.
8. An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event.
9. Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage, and
10. Utility systems within the crawlspace must be elevated above the flood protection elevation.

C. Non-residential buildings may be structurally dry floodproofed (in lieu of elevation) provided a licensed professional engineer or architect certifies that:

1. Below the flood protection elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood.
2. The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice.
3. Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.
4. Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this subsection.

D. Manufactured homes or travel trailers to be permanently installed on site shall be:

1. Elevated to or above the flood protection elevation in accordance with Section 7(B), and
2. Anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the rules and regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Ill. Adm. Code § 870.

E. Travel trailers and recreational vehicles on site for more than one hundred eighty (180) days per year shall meet the elevation requirements of section 7 (D) unless the following conditions are met:

1. The vehicle must be either self-propelled or towable by a light duty truck.
2. The hitch must remain on the vehicle at all times.
3. The vehicle must not be attached to external structures such as decks and porches
4. The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling.
5. The vehicles largest horizontal projections must be no larger than four hundred (400) square feet.
6. The vehicle's wheels must remain on axels and inflated.
7. Air conditioning units must be attached to the frame so as to be safe for movement of the floodplain.
8. Propane tanks as well as electrical and sewage connections must be quick-disconnect and above the 100-year flood elevation.
9. The vehicle must be licensed and titled as a recreational vehicle or park model, and
10. Must either:
  - a. entirely be supported by jacks, or
  - b. Have a hitch jack permanently mounted, have the tires touching the ground and be supported by block in a manner that will allow the block to be easily removed by used of the hitch jack.

F. Garages, sheds or other minor accessory structures constructed ancillary to an existing residential use may be permitted provided the following conditions are met.

1. The garage or shed must be non-habitable.
2. The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use.

3. The garage or shed must be in a single family lot and be accessory to an existing principle structure on the same lot.
4. The garage or shed must be on a single family lot and be accessory to an existing principle structure on the same lot.
5. Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage.
6. All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation.
7. The garage or shed must have at least one permanent opening on each wall not more than one (1) foot above grade with one (1) square inch of opening for every one (1) square foot of floor area.
8. The garage or shed must be less than ten thousand dollars (\$10,000) in market value or replacement cost whichever is greater r less than five hundred (500) square feet.
9. The structure shall be anchored to resist floatation and overturning.
10. All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation.
11. The lowest floor elevation should be documented and the owner advised of the flood insurance implications.

### **9-5-8: SUBDIVISION REQUIREMENTS:**

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

A. New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protections standards of Sections 6 and 7 of this chapter. Any proposal for such development shall include the following data:

1. The base flood elevation and the boundary of the floodplain, where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation;
2. The boundary of the floodway when applicable, and

3. A signed statement by a Registered Professional Engineer that the proposed plat or plan accounts for the changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 205/2).

Streets, blocks lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible, the floodplains shall be included within parks or other public grounds.

### **9-5-9: PUBLIC HEALTH AND OTHER STANDARDS**

A. Public health standards must be met for all floodplain development. In addition to the requirements of Section 6 and 7 of this ordinance the following standards apply:

1. No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of Section 7 of this ordinance:
2. Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.
3. Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems from the systems into flood waters.
4. New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight.
5. Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain. Construction of new critical facilities shall be permissible within the floodplain if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor (including basement) elevated or structurally dry floodproofed to the 500-year flood frequency elevation or three feet above the level of the 100-year flood frequency elevation, whichever is greater. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities.

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

### **9-5-10: CARRYING CAPACITY AND NOTIFICATION:**

For all projects involving channel modification, fill, or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained.

In addition, the City of Genoa shall notify adjacent communities in writing thirty (30) days prior to the issuance of a permit for the alteration or relocation of the watercourse.

### **9-5-11: VARIANCES:**

Whenever the standards of this chapter place undue hardship on a specific development proposal, the applicant may apply to the Plan Commission for a variance. The Plan Commission shall review the applicant's request for a variance and shall submit its recommendation to the City Council. The City Council may attach such conditions to granting of a variance as it deems necessary to further the intent of this ordinance.

- A. No variance shall be granted unless the applicant demonstrates that all of the following conditions are met.
  - 1. The development activity cannot be located outside the floodplain.
  - 2. An exceptional hardship would result if the variance were not granted.
  - 3. The relief requested is the minimum necessary.
  - 4. There will be no additional threat to public health, safety or creation of a nuisance.
  - 5. There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities.
  - 6. The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP, and
  - 7. All other state and federal permits have been obtained.
- B. Plan Commission shall notify an applicant in writing that a variance from the requirements of the building protections standards of Section 7 that would lessen the degree of protection to a building will:
  - 1. Result in increased premium rates for flood insurance up to twenty-five dollars (\$25) per one hundred dollars (\$100) of insurance coverage;
  - 2. Increase the risk of life and property, and
  - 3. Require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.
- C. Variances to the building protection requirements of Section 7 of this ordinance which are requested in connection with reconstruction, repair, or alteration of a

historic site or historic structure as defined in “Historic Structures”, may be granted using criteria more permissive than the requirements of Sections 6 and 7 of this chapter subject to the conditions that:

1. The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure.
2. The repair or rehabilitation will not result in the structure being removed as a certified historic structure.

#### **9-5-12: DISCLAIMER OF LIABILITY:**

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

#### **9-5-13: PENALTY:**

Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this ordinance. Upon due investigation, the Building Inspector may determine that a violation of the minimum standards of this ordinance exists. The Building Inspector shall notify the owner in writing of such violation.

A. If such owner fails after ten (10) days notice to correct the violation:

1. The City of Genoa shall make application to the circuit court for an injunction requiring conformance with this chapter or make such other order as the court deems necessary to secure compliance with the ordinance.
2. Any person who violates this ordinance shall upon conviction thereof be fined not less than fifty dollars (\$50) or more than seven hundred fifty (\$750) for each offense.
3. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues, and
4. The City of Genoa shall record a notice of violation on the title of the property.

B. The building Inspector shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

The Building Inspector is authorized to issue an order requiring the suspension of the subject development. The stop-work order shall be in writing, indicate the reason for the nuisance, and shall order the action, if necessary, to resolve the circumstances requiring the stop-work order. The stop-work order constitutes a suspension of the permit.

No site development permit shall be permanently suspended or revoked until a hearing is held by the Plan Commission. Written notice of such hearing shall be served on the permittee and shall state.:

1. The grounds for the complaint, reasons for suspension or revocation, and
2. The time and place of the hearing.

At such hearing the permittee shall be given an opportunity to present evidence on their behalf. At the conclusion of the hearing, Plan Commission shall determine whether the permit shall be suspended or revoked.

C. Nothing herein shall prevent the City of Genoa from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

#### **9-5-14: ABROGATION AND GREATER RESTRICTIONS:**

This ordinance repeals and replaces other ordinances adopted by the City Council to fulfill the requirements of the National Flood Insurance Program including the ordinance adopted September 19, 2000. However, this ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this ordinance and other ordinance easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

#### **9-5-15: SEVERABILITY:**

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

#### **9-5-16: EFFECTIVE DATE:**

This ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law. (Ord. 2008-37, 12-16-2008)

## **CHAPTER 7**



# PROPERTY MAINTENANCE

## SECTION:

**9-6-1: Office Created; Duties; Term**

### **9-6-1: OFFICE CREATED; DUTIES; TERM:**

A. Office Created: There is hereby established for the City the office of Property Maintenance.

B. Duties: The Property Maintenance and Zoning Officer shall perform all duties and have all powers assigned by law or ordinance to such Officer, and such other duties and functions as may be lawfully required or assigned to him. The Property Maintenance and Zoning Officer shall be responsible for enforcement of housing and property maintenance regulations as set forth in the "International Property Maintenance Code, 2003", Third Edition, and shall advise the City on matters related thereto, as, from time to time, requested.

C. Term of Office: The term of office for the Property Maintenance Officer shall be for one year, beginning May 1 of each year, and until his or her successor is appointed and qualified. (Ord. 825, 4-13-93)

## CHAPTER 7

### HOUSING AND PROPERTY MAINTENANCE REGULATIONS

## SECTION:

**9-7-1: International Property Maintenance Code/2003 Adopted**

**9-7-2: Additions and Deletions to the International Property Maintenance Code/2003**

**9-7-3: Citations**

**9-7-4 Administrative Adjudication for Building and Related Codes**

### **9-7-1: INTERNATIONAL PROPERTY MAINTENANCE CODE/2003**

#### **ADOPTED:**

A. Adoption Of Code: Except for the revisions made in this Chapter, the "International Property Maintenance Code, 2003," as published by the Code International Code Council, be and is hereby adopted as the Property Maintenance Code of the city of Genoa for: 1) establishing minimum standards for basic equipment and facilities for

light, ventilation, space heating, and sanitation; for safety from fire; for space, use and location; and for safe and sanitary maintenance; for cooking equipment in all structures now in existence; 2) fixing the responsibilities of owners, operators and occupants of all structures; and 3) providing for administration, enforcement and penalties, and each and all of the regulations of the "International Property Maintenance Code, 2003" hereby referred to, adopted and made a part hereof, as if fully set out in this Chapter, except for the revisions mentioned in Section 97-2 of this Chapter.

B. Violations: The procedures for violation shall be those that are established in the "International Property Maintenance Code, 2003" adopted above, except that section PM-106.2 shall have no force or effect and the penalties for violation shall be as follows: (Ord. 826, 6-8-1993; amd. Ord. 96-50-3, 7-23-1996)

Any person who violates this section and has been issued a citation signed by a City Law Enforcement Officer of this section shall be fined in accordance with Section 1-4-1. Each day that a violation continues after due notice has been served in accordance with the terms and provisions of the Property Maintenance Code, above adopted, shall be deemed a separate offense. (Ord. 826, 6-8-1993)

C. Property Maintenance Reinspection: It is hereby made the duty of the Property Maintenance Officer, or his designee, to serve a notice, in writing, upon the owner, agent, occupant or person in possession, charge or control of any lot, building or premises in or upon which any violation of the International Property Maintenance Code, 2003, adopted above, may be found, requiring them to install, repair, replace or remove the same within a time specified in such manner as prescribed therein. It shall not be necessary in any case to specify in what manner the violation shall be resolved. If the person so notified shall refuse or neglect to comply with such order within the time and manner specified, the Property Maintenance Officer, or his designee, shall send a bill for any and all additional reinspections required to obtain compliance in accordance with the following fee schedule: (Ord. 826, 6-8-1993; amd. Ord. 96-50-3, 7-23-1996)

#### PROPERTY MAINTENANCE REINSPECTION

##### FEE SCHEDULE

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Initial inspection	\$ 0.00
2nd reinspection	25.00
3rd reinspection	50.00
Any additional reinspection	100.00 each

Any violation observed or recorded which is not a part of the original written notice, shall be in and of itself separate from said notice, and shall constitute a new violation. (Ord. 826, 6-8-1993)

## **9-7-2: ADDITIONS AND DELETIONS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE/2003:**

The following sections of the "International Property Maintenance Code, 2003," are revised as follows: (Ord. 826, 6-8-1993; amd. Ord. 96-50-3, 7-23-1996)

In all articles and sections where "name of jurisdiction" is written, insert "City of Genoa, Illinois".

In all articles and sections where "Code Official" is written, insert "Property Maintenance Officer" or his or her designee. (Ord. 826, 6-8-1993)

Section PM-111.0 Right to Appeal. Delete in its entirety. Insert in its place the following:

Section PM-111.0 Right to Appeal. See appeals section in the Building Code.

(Ord. 826, 6-8-1993; amd. Ord. 96-50-3, 7-23-1996)

Section PM-202.0 Add the following: Applied Meaning of Words and Terms:

Boarding House: As defined in Title 11 of the City Code, the Unified Development Ordinance.

Dormitory: As defined in Title 11 of the City Code, the Unified Development Ordinance.

Lodging House: As defined in Title 11 of the City Code, the Unified Development Ordinance.

One-Family Dwelling: As defined in Title 11 of the City Code, the Unified Development Ordinance.

Rooming House: As defined in Title 11 of the City Code, the Unified Development Ordinance.

Two-family Dwellings: As defined in Title 11 of the City Code, the Unified Development Ordinance.

Section PM-305.4. Lead-based paint. Delete in its entirety.

Chapter 5. Plumbing Facilities and Fixture Requirements. Where "plumbing code" is written, insert " Illinois State Plumbing Code/2014 as adopted in Section 9-1-3 of the Municipal Code of the City of Genoa, Illinois. (Ord. 826, 6-8-1993)

Chapter 6. Mechanical and Electrical Requirements. Where "NFPA 70" is written, insert "National Electrical Code, 2002 Edition" as adopted in Section 9-1-2 of the Municipal Code of the City of Genoa, Illinois. (Ord. 826, 6-8-1993; amd. Ord. 96-50-3, 7-23-1996)  
Section PM-602.1 Residential Buildings. Delete in its entirety.

Insert New PM-601.1 Residential Buildings.

Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of 65 degrees F. (18 degrees C.) at the level of three (3) feet (914 mm) above the floor and a distance of three (3) feet (914 mm) from the exterior walls in all habitable rooms, bathrooms and toilet rooms based on the outside design temperature required for the locality by the mechanical code listed in Appendix A.

Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guest room on terms, either express or implied, to furnish heat to the occupants thereof shall supply sufficient heat to maintain a room temperature of not less than 65 degrees F. (18 degrees C.) in all habitable rooms, bathrooms and toilet rooms during the hours between 6:30 A.M. and 10:30 P.M. of each day and not less than 60 degrees F. (16 degrees C.) during other hours. The temperature shall be measured at a point three (3) feet (914 mm) above the floor and three (3) feet (914 mm) from the exterior walls. When the outdoor temperature is below the outdoor design temperature required for the locality by the mechanical code listed in Appendix A, the owner or operator shall not be required to maintain the minimum room temperatures, provided the heating system is operating at full capacity, with supply valves and dampers in a full open position. Heat shall be furnished in accordance with the following (91-54 92-30)

1. The owner and operator shall provide and maintain the heating facilities and shall ensure such facilities are serviced and in operable condition on or before September 15 of each calendar year.
2. Every residential building exceeding two stories in height or containing thirteen (13) or more dwelling units, shall be supplied with sufficient heat within all units as prescribed in Section PM-601.1, during the period from September 15 to May 15. (Ord. 826, 6-8-1993)

### **9-7-3: CITATIONS:**

The Property Maintenance Officer or his or her designees, are hereby authorized to establish and enforce a system of citations for specified violations of codes and ordinances of the City. The use of citations shall be solely at the discretion of the Property Maintenance Officer or his or her designee, and shall not preclude the use of other enforcement methods.

A. Applicability: This citation system shall apply to all properties within the City and enforcement of specific ordinance provisions enumerated hereon.

B. Enforcement And Responsibility:

1. Citations may be issued by the Property Maintenance Officer or any code enforcement officer.
2. Owners or tenants are subject to citations based upon apparent culpability. Managers and agents are subject to citations as the owner's representative.
3. Citations as provided in subsection C of this Section shall be personally served upon the person responsible for the violations, his agent or representative. In the event the owner, occupant, contractor or other person responsible for the violation cannot be located, the citation may be served by posting a copy at the property, structure or vehicle where the violation has occurred and sending a copy by certified mail, return receipt requested, to the last known address of such person.

C. Citation And Settlement In Lieu Of Prosecution For Certain Offenses:

1. Whenever the Property Maintenance Officer observes a violation as specified in subsection E1 of this Section or has probable cause to believe that such a violation has occurred and that a particular person is responsible, said officer may, in lieu of the filing of a complaint in court, issue to the alleged violator one of the following citations:
  - a. Warning Ticket: This type of citation shall advise the alleged violator that the same has violated a specified provision of the Municipal Code, and shall prescribe an appropriate time period to remedy the violation. In addition, the warning ticket shall advise the alleged violator that the failure to remedy the specified violation within the prescribed time period will result in the issuance of a failure-to-comply ticket.
  - b. Failure-To-Comply Ticket: This type of citation shall advise the alleged violator to make payment in the amount specified for the applicable offense. The failure-to-comply ticket shall also, where applicable, advise the alleged violator to abate the specified violation within seven (7) days or the City will cause the observed violation to be abated. The cost of such summary abatement shall be a lien on the real property where the violation was abated or removed.

2. Any person served with a failure-to-comply ticket may settle and compromise the violation claim by ceasing and/or abating said violation and paying to the City the applicable amount as shown within seven (7) days.

D. Appearance In Court: Upon receipt of a failure-to-comply ticket, the alleged violator may petition for a court hearing by signing and returning the ticket to the City Property Maintenance and Zoning Officer within seven (7) days of the specified violation date. A summons to appear will be mailed to the alleged violator specifying the time and place of the court hearing.

E. Enumerated Violations And Fines:

1. Citations may be issued for violations of any provision of the Municipal Code:

Section PM-106.2 and PM-106.3. Delete in its entirety. Replace with Section 9-7-3 herein.

2. Citations issued for violations of those sections of the Municipal Code specified in subsection E1 of this Section, in the amount of fifty dollars (\$50.00) or less, may be settled by payment of the sum of the corresponding amount enumerated therein, if paid within seven (7) calendar days of the service of the citation. Ticket recipients may pay a reduced fine of ten dollars (\$10.00) if the reduced payment is received by the Property Maintenance Officer within seventy two (72) hours of the specified violation date and the violation cited has been either abated, removed and/or ceases to exist. Citations issued for violations in excess of fifty dollars (\$50.00) may be settled by payment in full of the corresponding amount as prescribed herein.

3. Any person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with, or resisting or opposing the enforcement of any provisions of this Chapter or the rules and regulations authorized by this Chapter, shall be deemed to have committed a misdemeanor and shall, upon conviction thereof, be fined not less than the corresponding amounts enumerated herein and may be incarcerated in the DeKalb County Jail for a term not to exceed six (6) months. These penalties are not deemed as being exclusive of any other remedy or penalty. Each day a violation of this Chapter shall continue after seven (7) days shall constitute a separate offense. An additional penalty as prescribed by the corresponding amounts enumerated herein will be charged for each day that the violation continues after the seven (7) day compliance period.

4. If, after the settlement and compromise of a particular violation described in subsection E1 of this Section, a person repeats the offense a second time, the penalty will be fifty dollars (\$50.00). Third and additional violations will result in a penalty of one hundred dollars (\$100.00).

5. The City may also bring suit for injunctive relief in the Circuit Court against any person violating any provision listed in subsection E1 of this Section, and by such suit may seek a court order enjoining violation of, in requiring compliance with, any provision herein. (Ord. 826, 6-8-1993)

#### **9-7-4 Administrative Adjudication for Building and Related Codes**

1. That Division 31.1 of the Illinois Municipal Code, 65 ILCS 5/11-31-1 *et. seq.*, as now or hereafter amended, is hereby incorporated in its entirety as an Ordinance of the City of Genoa, Illinois.

2. That amendments to Division 31.1 of the Municipal Code which are enacted by a Public Act shall become an ordinance of the City of Genoa, and shall be cited and referred to in the same manner as established by such amendatory Public Act, to become effective at the time of the effective date of the amendatory Public Act.

3. That the Code Hearing Department and procedures therein hereby established by in Ordinance 9-7-4 shall be deemed in addition to and not a replacement of other building code violation procedures established in the Municipal Code. (Ord 2014-18, 7-1-2014)