

# TITLE 9 BUILDING

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# **CHAPTER 1**

## **BUILDING CODES**

### **SECTION:**

#### **9-1-1: Adoption of Codes**

#### **9-1-2: Amendments to Codes Adopted**

#### **9-1-1: ADOPTION OF CODES:**

The building codes adopted in this chapter contain the minimum regulations governing the design, construction, reconstruction, alteration, quality of materials, demolition and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use; in accordance with nationally recognized standards. This article is intended to adopt such regulations by reference in order to make them legally enforceable by the City of Genoa, Illinois. No building or structure shall hereafter be erected, constructed, enlarged or modified in the City of Genoa, except in conformity with the provisions of this Amendment.

The City of Genoa has adopted the following codes and standards of building codes of the City of Genoa, with amendments in 9-1-2. Copies of adopted Building Codes. Such codes shall be made available to all members of the public whenever the building office is open for business. Any conflicts with this Ordinance and the City of Genoa's Unified Development Ordinance will require the enforcement of the stricture code requirements.

- A. The "2012 International Building Code," published by the International Code Council, Inc. including Appendices (the "Commercial Building Code");
- B. The "2012 International Fire Code," published by the International Code Council, Inc. including Appendices (the "Fire Code");
- C. The "2012 International Mechanical Code," published by the International Code Council, Inc., et al. including Appendices (the "Mechanical Code");
- D. The "2012 International Property Maintenance Code," published by the International Code Council, Inc. is hereby adopted as the Property Maintenance Code of the City of Genoa, Illinois" (the "Property Maintenance Code");

- E. The "2012 International Residential Code," published by the International Code Council, Inc., et al. including Appendices is hereby adopted as the "Residential Code of the City of Genoa, Illinois" (the "Residential Code");
- F. The "2012 International Existing Building Code" published by the International Code Council, Inc. is hereby adopted as the "Existing Building Code of the City of Genoa, Illinois" ("Existing Building Code");
- G. The "2012 International Fuel Gas Code" published by the International Code Council, Inc. is hereby adopted as the "Fuel Gas Code of the City of Genoa, Illinois" ("Fuel Gas Code");
- H. The "2021 International Energy Conservation Code" (IECC) published by the International Code Council, Inc. and amendments to the code adopted by the State of Illinois, known as the "2021 Illinois Energy Conservation Code" are hereby adopted as the "Energy Code of the City of Genoa, Illinois" ("Energy Code");
- I. The "2023 National Electrical Code" published by the National Fire Protection Association, Inc. is hereby adopted as the "Electrical Code of the City of Genoa, Illinois" (the "Electrical Code");
- J. The "2014 Illinois Plumbing Code 77 IL Admin Code 890" published by the Illinois Department of Public Health is hereby adopted as the "Plumbing Code of the City of Genoa, Illinois" (the "Plumbing Code");
- K. The "2012 Life Safety Code" published by the National Fire Protection Association is hereby adopted as the "Life Safety Code of the City of Genoa, Illinois" ("Life Safety Code");
- L. The "2019 Illinois Accessibility Code" published by the Capital Development Board of Illinois is hereby adopted as the "Accessibility Code of City of Genoa, Illinois" ("Accessibility").

## **9-1-2: AMENDMENTS TO CODES ADOPTED:**

The purpose of these amendments are to provide minimum standards to safeguard life, limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within City of Genoa

- A. **2012 Building Code Amendments:** The Commercial Building Code is amended as follows:
  - i. Section 101.1 is hereby amended by substituting "City of Genoa, Illinois" for the words "[NAME OF JURISDICTION]";

- ii. 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.
- iii. Section 103.1 is hereby repealed and a new Section 103.1 is adopted in lieu thereof as follows:

"103.1 Department of Building Safety, Code Official defined. The term "Department of Building Safety" as used in this code shall mean the Genoa Building Department of the City of Genoa. The term "building official" as used in this code shall mean the duly appointed Code Official of the City of Genoa, Illinois and including any designee thereof;

- iv. 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.
- v. Section 109.2 is hereby amended by substituting "by written order or resolution of the City Council" for the words "by the applicable governing authority";

- vi. Section 109.6 is hereby repealed and a new Section 109.6 is hereby adopted in lieu thereof as follows:

"109.6 Refunds. No portion of any fee shall be returned to a permit holder in the case of a revocation of a building permit or a suspension, discontinuance, or abandonment of work,"

- vii. Section 113.0 is hereby repealed in its entirety and a new Section 113.0 is hereby adopted in lieu thereof as follows:

#### Section 113.0 Means of Appeal

1. Any person receiving a violation notice pursuant to this Chapter may have the right to appeal to the City Administrator.
2. Such an appeal shall be in writing and filed with the City Building Department within fourteen (14) days after the violation notice. The appeal shall contain a complete statement of the reasons for the appeal, the specific facts supporting the appeal, and all evidence the appellant intends to rely on to support the appeal.

3. If no appeal is filed within fourteen (14) days after the violation notice, and pursuant to the requirements of this section, the right to an appeal is waived.
  4. The City of Genoa's City Administrator or the City of Genoa's Designee shall schedule a meeting at City Hall to consider the appeal within thirty (30) days of receiving the appeal. The City of Genoa's City Administrator or the City of Genoa's Designee may consider all facts, evidence, and testimony presented by the appellant and the City, and all other information determined to be relevant to the appeal.
  5. The City of Genoa's City Administrator or the City of Genoa's Designee shall send written notice of the decision to the appellant within thirty (30) days of hearing the appeal.
  6. The City of Genoa's City Administrator or the City of Genoa's Designee shall have no authority to interpret the administrative provisions of the code or to waive substantive requirements of the code.
  7. The hearing shall not be a formal trial-type proceeding, but appropriate procedural safeguards shall be observed to ensure fairness.
- ix. Section (114), Violations, is hereby amended and adopted in addition to the Commercial Building Code and is hereby incorporated as if fully set forth therein by adding the following to Section 114.4:
- "Except as otherwise provided, a person convicted of a violation of this code shall be punished by a fine in accordance with 1-4-1 of the City of Genoa's Municipal Code. With respect to violations of this code that are continuous with respect to time, each day the violation continues is a separate offense."
- 114.4.1 The imposition of a penalty does not prevent revocation or suspension of a license, permit or franchise.
- 114.4.2 Violations of this code that are continuous with respect to time may be abated by injunctive or equitable relief. The imposition of a penalty does not prevent equitable relief.
- x. The following Section (117), named "Maintenance of Construction Sites," including additional regulations and requirements are hereby adopted in addition to the Building Code and are hereby incorporated as if fully set forth therein.
- 117.1 Dumpsters
1. Each building construction site shall have on-site dumpster(s) of sufficient capacity to contain the construction debris generated by the construction activity on said site.
  2. All construction debris from each building construction site, shall be placed in the construction site dumpster(s), by the end of each work day.
  3. Every construction site dumpster, having been filled, shall be removed from the construction site and where appropriate, replaced with another empty dumpster until such time as construction debris is no longer generated on the site.

### 117.2 Rocked Driveways

1. Each commercial construction site or subdivision construction site entrance shall have its driveway or roadway (as delineated on the building permit application site plan) rocked with CA3 (3 inch minimum) to a minimum depth of 6 inches. This subsection may not be required if the permanent paved driveway or entry road is in place and can be used by all construction equipment or delivery vehicles.
2. Rock drives or roadways must be constructed and maintained on stable soil in order to maintain the desired intent or the rock shall be replaced and/or soil stabilization may be required, as directed by the Code Official.
3. All deliveries of building materials, of all kinds, shall be made using the rocked road or driveway, without exception.

### 117.3 Sanitary Facilities

1. Each building construction site shall provide sanitary facilities (including toileting and hand washing facilities) for the convenience of all workers and shall be discharged into a sanitary sewer or if the facility is portable, it shall be an enclosed, chemically-treated tank tight unit. All non-sewered units shall be pumped regularly to assure adequate working and sanitary facilities.

### 117.4 Responsibility

1. It shall be the responsibility of the permit holder and any individual or company acting under the direction of the permit holder to ensure compliance of all provisions of Section 117.

**B. 2012 Fire Code:** The Fire Code contains standards to safeguard persons and property from hazards arising from fire. The City of Genoa has adopted the 2012 Fire Code with the following amendments:

- i. Section 101.1 is hereby amended by substituting "City of Genoa, Illinois" for the words "[NAME OF JURISDICTION]" and by adding the sentence, "The term 'jurisdiction' wherever appearing in this code shall mean the City of Genoa, Illinois.";
- ii. Section 103.2 is hereby repealed in its entirety;
- iii. Section 104.1 General, is hereby amended by adding the following text: "The Code Official shall not exercise any authority over fire service features regarding fire scenes or any other sections of this code that pertain to operation of and/or duties performed by the Genoa-Kingston Fire District. Those duties and authority remain with the Genoa-Kingston Fire Chief or his designee."
- iv. Section 113.2 is hereby amended by substituting "by written order or resolution of the City Council" for the words "by the applicable governing authority";

- v. Section 108.0 is hereby repealed in its entirety and a new Section 108.0 is hereby adopted in lieu thereof as follows:

"Section 108.0 Means of Appeal

108.1 Means of Appeal. Any person affected by a decision of the code official or a notice or order issued under this code shall have the right of appeal per the process established by section 113 of the Building Code, including amendments provided for by the City Code of the City of Genoa, which shall additionally govern the grounds and regulate the procedures for such appeals."

- vi. Section 109.3 is hereby repealed in its entirety and a new Section 109.3 is hereby adopted in lieu thereof as follows:

"109.3 Violation Penalties. Any person who shall violate any of the provisions of this code or shall fail to comply with any order issued pursuant to any section of this code, upon conviction therefore, shall be punished in accordance with the provisions set forth in Section 114.4 of Section 3, Commercial Building Code, including amendments provided for by the City Code of the City of Genoa"

C. **2012 Mechanical Code:** The Mechanical Code contains standards to safeguard persons and property from hazards arising from machinery and various mechanical systems. The City of Genoa has adopted the 2012 Mechanical Code with the following amendments.

- i. Section 101.1 is hereby amended by substituting "City of Genoa, Illinois," for the words "[NAME OF JURISDICTION]".

- ii. Section 103 is hereby amended as follows:

"Section 103 Code Official

*103.1 General.* The term "department of mechanical inspection" wherever used in this code shall mean the Genoa Building Department of the City of Genoa, Illinois. The term "code official" as used in this code shall mean the duly appointed Code Official of the City of Genoa, Illinois and any designee thereof."

"Section 103.5 Alternative for Third Party Review. In instances where determined necessary, the City of Genoa may obtain third party written verification that a mechanical system is functional and compliant.

- iii. Section 106.5.2 is hereby repealed and a new Section 106.5.2 is hereby adopted in lieu thereof as follows:

"106.5.2 Reserved."

- iv. Section 106.5.3 is hereby repealed in its entirety.

- v. Section 108.4 is hereby repealed in its entirety and a new Section 108.4 is hereby adopted in lieu thereof as follows:

"108.4 Violation Penalties. Any person who shall violate any of the provisions of this code or shall fail to comply with any order issued pursuant to any section of this code, upon conviction therefore, shall be punished in accordance with the provisions set forth in Section 114.4 of Section 3, Commercial Building Code, including amendments provided for by the City Code of the City of Genoa."

- vi. Section 109.0 is hereby repealed in its entirety and a new Section 109.0 is hereby adopted in lieu thereof as follows:

"Section 109.0 Means of Appeal

109.1 Means of Appeal. Any person affected by a decision of the code official or a notice or order issued under this code shall have the right of appeal per the process established by section 113 of the Building Code, including amendments provided for by the City Code of the City of Genoa, which shall additionally govern the grounds and regulate the procedures for such appeals."

- D. **2012 Property Maintenance Code:** The Property Maintenance Code contains standards to safeguard persons and property from hazards arising from real property. The City of Genoa has adopted the 2012 Property Maintenance Code with the following amendments:

- i. Section 101.1 is hereby amended by substituting "City of Genoa, Illinois" for the words "[NAME OF JURISDICTION]".
- ii. Section 103 is hereby amended as follows:

"Section 103 Code Official and Department;

103.1 General. The term "department of property maintenance inspection" wherever used in this code shall mean the Genoa Building Department of the City of Genoa, Illinois. The term "code official" as used in this code shall mean the duly appointed Code Official of the City of Genoa, Illinois and any designee thereof.

- iii. Section 103.5 is hereby repealed and a new Section 103.5 is hereby adopted in lieu thereof as follows:

"103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as established by Appendix A of the City Code of the City of Genoa.

- iv. Section 106.4 is hereby repealed in its entirety and a new Section 106.4 is hereby adopted in lieu thereof as follows:

"106.4 Violation Penalties. Any person who shall violate any of the provisions of this code or shall fail to comply with any order issued pursuant to any section of this code, upon conviction therefore, shall be punished in accordance with the provisions set forth in Section 114.4 of Section 3, Commercial Building Code, including amendments provided for by the City Code of the City of Genoa."

- v. Section 111 is hereby repealed in its entirety and a new Section 111 is hereby adopted in lieu thereof as follows:



## Section 111 Means of Appeal

111.1 Means of Appeal. Any person affected by a decision of the code official or a notice or order issued under this code shall have the right of appeal to the Building Code Review Committee, established by Section 113 of the Building Code, including amendments provided for by the City Code of the City of Genoa, provided that provisions of this code shall regulate the procedures for such appeals.

- vi. In section 112.4 Failure to Comply, the words "of not less than [amount] dollars or more than [amount] dollars" shall be replaced with " in accordance with Section 1-4-1 of this Code."
- vii. Section 202 is amended to add the definition for Responsible Party as stated:

Responsible Party. Except as otherwise specified herein, the owner or owner's designated agent shall be responsible for the maintenance of buildings, structures and premises. In addition, any other person or entity who may be reasonably considered to have a role or responsibility in the creation, continuation, or correction of any violation of this code shall be a responsible party of additional responsibly party for such violation.
- viii. Section 302.4 shall have 12 inches inserted as the jurisdiction requirement.
- vix. In section 304.14 Insect Screens, from April 1<sup>st</sup> to October 31<sup>st</sup> shall be inserted.
  - x. In section 602.3 Heat Supply, from September 15<sup>th</sup> to June 1<sup>st</sup> shall be inserted.
  - xi. In section 602.4 Occupiable Work Spaces, from September 15<sup>th</sup> to June 1<sup>st</sup> shall be inserted.
- xii. The following Section 704.2, shall be amended to add item 4. as follows:

"If a dwelling is equipped with battery-operated smoke detection devices and carbon monoxide detection devices, batteries for those detectors that are located inside a dwelling unit shall be provided by the owner at the beginning of tenancy. Thereafter, it shall be the responsibility of the occupant to ensure batteries are energized and effective during the term of occupancy."

**E. 2012 Residential Code:** The Residential Code contains standards to safeguard persons and property arising from real property. This article is intended to adopt such code by reference in order to make it legally enforceable by the City of Genoa. The City of Genoa has adopted the 2012 Residential Code with the following amendments:

- i. Section R101.1 is hereby amended by substituting "City of Genoa, Illinois" for the words "[NAME OF JURISDICTION]".
- ii. Section R103.1 is hereby repealed in its entirety and a new Section R103.1 is hereby adopted in lieu thereof as follows:

"Section R103.1 Department of Building Safety, Code Official defined

R103.1 General. The term "department of building safety" wherever used in this code shall mean the Genoa Building Department of the City of Genoa, Illinois. The term "building official" as used in this code shall mean the duly appointed Code Official of the City of Genoa, Illinois and any designee thereof.

- iii. Section 103.2, inclusive is hereby repealed in its entirety.
- iv. Section R108.2 is hereby amended by substituting "by written order or resolution of the City Council" for the words "by the applicable governing authority".
- v. Section R108.5 is hereby repealed and a new Section R108.5 is hereby adopted in lieu thereof as follows:

"R108.5 Refunds. No portion of any fee shall be returned to a permit holder in the case of a building permit or a suspension, discontinuance, or abandonment of work."

- vi. Section R112 is hereby repealed in its entirety and a new Section R112 is hereby adopted in lieu thereof as follows:

"Section R112 Means of Appeal

R112.1 Means of Appeal. Any person affected by a decision of the code official or a notice or order issued under this code shall have the right of appeal to the Building Code Review Committee, established by section 113 of the Building Code, including amendments provided for by the City Code of the City of Genoa, which shall additionally govern the grounds and regulate the procedures for such appeals."

- vii. Section R113.4 is hereby repealed in its entirety and a new Section 113.4 is hereby adopted in lieu thereof as follows:

"R113.4 Violation Penalties. Any person who shall violate any of the provisions of this code or shall fail to comply with any order issued pursuant to any section of this code, upon conviction therefore, shall be punished in accordance with the provisions set forth in Section 114.4 of Section 3, Commercial Building Code, including amendments provided for by the City Code of the City of Genoa."

- viii. The following Section (115), named "Maintenance of Construction Sites," including additional regulations and requirements are hereby adopted in addition to the Building Code and are hereby incorporated as if fully set forth therein.

#### 115.1 Dumpsters

1. Each building construction site shall have on-site dumpster(s) of sufficient capacity to contain the construction debris generated by the construction activity on said site.
2. All construction debris from each building construction site, shall be placed in the construction site dumpster(s), by the end of each work day.
3. Every construction site dumpster, having been filled, shall be removed from the construction site and where appropriate, replaced with another empty dumpster until such time as construction debris is no longer generated on the site.

#### 115.2 Rocked Driveways

1. Each residential building construction site shall have its driveway (as delineated on the building permit application site plan) rocked with CA 6 to minimum depth of 3 inches.
2. Rock drives or roadways must be constructed and maintained on stable soil in order to maintain the desired intent or the rock shall be replaced and/or soil stabilization may be required, as directed by the Code Official.
3. All deliveries of building materials, of all kinds, shall be made using the rocked road or driveway, without exception.

#### 115.3 Sanitary Facilities

1. Construction sites that provide sanitary facilities (including toileting and hand washing facilities) for the convenience of all workers and shall be discharged into a sanitary sewer or if the facility is portable, it shall be an enclosed, chemically-treated tank tight unit. All non-sewered units shall be pumped regularly to assure adequate working and sanitary facilities.

#### 115.4 Responsibility

1. It shall be the responsibility of the permit holder and any individual or company acting under the direction of the permit holder to ensure compliance of all provisions of Section 117.

ix. Section R302.2 Townhouses is repealed in its entirety and insert:

Section R302.2 Townhouses. Each townhouse shall be considered a separate building and shall be separated by fire-resistant-rated wall assemblies meeting the requirements of Section R302.1 for exterior walls.

Exceptions:

1. A common 1-hour-fire-resistance-wall assembly tested in accordance with ASTM-E-119 or UL 263 is permitted for townhouse protected by a residential fire sprinkler system if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be installed in accordance with currently adopted National Electric Code (NEC). Penetrations of electrical outlet boxes shall be in accordance with Section R302.4.
2. A common 2-hour-fire-resistance-wall assembly tested in accordance with ASTM-E-119 or UL 263 is required for townhouses not protected by a residential fire sprinkler system if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be installed in accordance with currently adopted National Electric Code (NEC). Penetrations of electrical outlet boxes shall be in accordance with Section R302.4.

- x. Section R313 and R313.2 Sprinklers in residential Structures is repealed in its entirety
- xi. Section R403.1.4.1 Frost protection is hereby amended by substituting "200 square feet" under "Exceptions (1) and (2) for 600 and 400 square feet", respectively.
- xii. R501.3 International Residential Code, Fire Protection of Floors, is hereby amended by adding "Floor assemblies, not required elsewhere in this code to be fire resistance rated, shall be provided with a ½ -inch gypsum wallboard membrane, 5/8-inch wood structural panel membrane, or equivalent on the underside of the floor framing member."
- xiii. Should there be any conflicts between the provisions of the Chapters 25 through 32 (inclusive) and the Illinois State Plumbing Code; the Illinois State Plumbing Code shall take precedence.

xiv. Section R109 - Inspections

R109.1.1 - Inspections required for new construction of one and two-family homes:

1. Building Site and Dug Footing:

Building site meets setback requirements.

Forms and rebar in place; no standing water, slop mud, wooden grade stakes, or frozen ground; top of footings survey.

2. Pre-Pour Foundation Wall Forms and Poured Footing:

No mud or standing water on footing; steel rebar, window opening, beam pockets, and brick ledge in place.

Level, dowel pins, or keyway present.

3. Rough Electrical, Mechanical, Plumbing and Framing:

All wire staples, including communication cable; all circuits marked with a breaker number; all dedicated circuits labeled.

All framing and nailers complete; shear inspection; house and window wrap; fire stopping in place; mechanical; insulation (rough inspection); plumbing rough and final performed by Illinois certified plumbing inspector.

4. Drywall:

Before mudding for both house and garage; Drywall nailed or screwed per fastener schedule; moisture-resistant board required in all wet areas.

5. Electrical Panel/Meter Base:

Meter at correct height; minimum of schedule 80 conduit; neutral marked; 2 ground wires marked and grounded; circuits clearly labeled.

6. Sidewalk and Driveway.

Performed by public works to check city right-of-way and pre-pour inspections by city inspector.

7. Final Building:

All construction completed before home is occupied; final grading of lot done; address displayed on structure; Certificate of Occupancy required prior to occupancy.

All devices set and powered, panel box marked; GFCI/AFCI properly wired.

Every applicable residential and non-residential unit shall conform to the requirements contained in the smoke detector act, 425 Illinois Compiled Statutes 60/1 et seq. It shall be the duty of the building inspector to assure compliance with this act. Smoke Detection and Notification- All smoke alarms shall be listed in accordance with UL 217

Responsibility of Contractor:

1. Certificate of Plumbing Installation: Plumber and contractor certify the plumbing installation conforms to the requirements of the most recent State of Illinois Plumbing Code as defined in 77 Illinois Administrative Code, Part 890.
2. Certificate of Roofing Installation: Roofer and contractor certify the roofing installation and flashing conforms to the requirements of the most recent State of Illinois licensing requirements/ certifications / laws regarding roof installation.
3. Certificate of the International Energy Conservation Code Adopted by the State of Illinois: Contractor certifies it has complied with the building requirements of the Illinois Energy Conservation Code and will have on record for the required documentation and testing reports in the following areas to the City of Genoa: Insulation ratings, glass and door U-factor ratings, heating and cooling equipment efficiency, building air leakage testing, duct tightness testing, REScheck/REMrate/COMcheck results.

Plumbing Inspections to be completed by State of Illinois

1. Underfloor Slab plumbing inspection - completed by State of Illinois plumbing inspector
2. Rough Plumbing inspection - completed by State of Illinois plumbing inspector
3. Final Plumbing inspection - completed by State of Illinois plumbing inspector

Effective Date: October 1, 2022

1. Any new construction of one and two family homes in City with the first building permit pulled on or after October 1, 2023 shall be subject to this subsection.

Violations; general penalty

1. Any person convicted of an ordinance violation shall be punished by a fine in accordance with Section 1-4-1 of the City Code.
2. In the case of any violation, city may also seek liquidated damages. The liquidated damages amount shall be the reasonable amount necessary to fix any violation of the city code regarding construction of one and two family homes.
3. City shall be entitled to court costs and attorneys' fees necessary to collect any ordinance violation fine or collection of any liquidated damages amount for any violation of city code.

**F. 2012 Existing Building Code:** The Existing Building Code contains standards to safeguard persons and property from hazards arising from real property. The City of Genoa has adopted the 2012 Existing Building Code with the following amendments:

- i. Section 101.1 is hereby amended by substituting "City of Genoa, Illinois" for the words "[NAME OF JURISDICTION]".
- ii. Section 103.1 is hereby repealed in its entirety and a new Section R103.1 is hereby adopted in lieu thereof as follows:  
"Section 103.1 Department of Building Safety, Code Official defined  
103.1 General. The term "department of building safety" wherever used in this code shall mean the Genoa Building Department of the City of Genoa, Illinois. The term "code official" as used in this code shall mean the duly appointed Code Official of the City of Genoa, Illinois and any designee thereof.
- iii. Section 103.2., inclusive is hereby adopted in its entirety.
- iv. Section 108.2 is hereby amended by substituting "by written order or resolution of the City Council" for the words "by the applicable governing authority".
- v. Section 108.6 is hereby repealed and a new Section 108.6 is hereby adopted in lieu thereof as follows:  
"108.6 Refunds. No portion of any fee shall be returned to a permit holder in the case of a building permit or a suspension, discontinuance, or abandonment of work."
- vi. Section 112 is hereby repealed in its entirety and a new Section 112 is hereby adopted in lieu thereof as follows:  
"Section 112 Means of Appeal  
112.1 Means of Appeal. Any person affected by a decision of the code official or a notice or order issued under this code shall have the right of appeal to the Building Code Review Committee, established by section 113 of the Building Code, including amendments provided for by the City Code of the City of Genoa, which shall additionally govern the grounds and regulate the procedures for such appeals."
- vii. Section 113.4 is hereby repealed in its entirety and a new Section 113.4 is hereby adopted in lieu thereof as follows:

"113.4 Violation Penalties. Any person who shall violate any of the provisions of this code or shall fail to comply with any order issued pursuant to any section of this code, upon conviction therefore, shall be punished in accordance with the provisions set forth in Section 114.4 of Section 3, Commercial Building Code, including amendments provided for by the City Code of the City of Genoa."

**G. 2012 Fuel Gas Code:** The Fuel Gas Code contains standards to safeguard persons and property. The City of Genoa has adopted the 2012 Fuel Gas Code with the following amendments:

- i. Section 101.1 is hereby amended by substituting "City of Genoa, Illinois" for the words "[NAME OF JURISDICTION]".
- ii. Section 103.1 is hereby repealed in its entirety and a new Section R103.1 is hereby adopted in lieu thereof as follows:

"Section 103.1 Department of Building Safety, Code Official defined

103.1 General. The term "department of inspection" wherever used in this code shall mean the Genoa Building Department of the City of Genoa, Illinois. The term "code official" as used in this code shall mean the duly appointed Code Official of the City of Genoa, Illinois and any designee thereof.

- iii. Section 103.2., inclusive is hereby repealed in its entirety and a new Section 103.2 is hereby adopted in lieu thereof as follows:

"103.2 Appointment. The code official shall be appointed by the City of Genoa or official administrator having authority of the jurisdiction."

- iv. Section 106.5.2 is hereby repealed in its entirety and a new Section 106.5.2 is hereby adopted in lieu thereof as follows:

"106.5.2 Fee schedule. A fee for each plan examination, building permit and inspection shall be paid to the City of Genoa at the rate or rates established by Appendix A of the City Code."

- v. Section 108.4 is hereby repealed in its entirety and a new Section 108.4 is hereby adopted in lieu thereof as follows:

"108.4 Violation Penalties. Any person who shall violate any of the provisions of this code or shall fail to comply with any order issued pursuant to any section of this code, upon conviction therefore, shall be punished in accordance with the provisions set forth in Section 114.4 of Section 3, Commercial Building Code, including amendments provided for by the City Code of the City of Genoa"

- vi. Section 109 is hereby repealed in its entirety and a new Section 109 is hereby adopted in lieu thereof as follows:

"Section 109 Means of Appeal

"109.1 Means of Appeal. Any person affected by a decision of the code official or a notice or order issued under this code shall have the right of appeal to City Administrator, established by section 113 of the Building Code, including

amendments provided for by the City Code of the City of Genoa, which shall additionally govern the grounds and regulate the procedures for such appeals."

**H. 2021 Energy Conservation Code:** The Energy Conservation Code contains standards to safeguard persons and property. The City of Genoa has adopted the 2021 Energy Conservation Code with the following amendments:

i. Section C101.1 is hereby amended by substituting "City of Genoa, Illinois" for the words "[NAME OF JURISDICTION]".

ii. Section C107.2 is hereby repealed in its entirety and a new Section 107.2 is hereby adopted in lieu thereof as follows:

"C107.2 Fee schedule. A fee for each plan examination, building permit and inspection shall be paid to the City of Genoa at the rate or rates established by Appendix A of the City Code."

iii. Section C107.5 is hereby repealed and a new Section C107.5 is hereby adopted in lieu thereof as follows:

"C107.5 Refunds. No portion of any fee shall be returned to a permit holder in the case of a building permit or a suspension, discontinuance, or abandonment of work."

iv. Section C108.4 is hereby repealed in its entirety and a new Section C108.4 is hereby adopted in lieu thereof as follows:

"C108.4 Violation Penalties. Any person who shall violate any of the provisions of this code or shall fail to comply with any order issued pursuant to any section of this code, upon conviction therefore, shall be punished in accordance with the provisions set forth in Section 114.4 of Section 3, Commercial Building Code, including amendments provided for by the City Code of the City of Genoa."

v. Section 109 is hereby repealed in its entirety and a new Section 109 is hereby adopted in lieu thereof as follows:

"Section 109 Means of Appeal

109.1 Means of Appeal. Any person affected by a decision of the code official or a notice or order issued under this code shall have the right of appeal to the City Administrator, established by section 113 of the Building Code, including amendments provided for by the City Code of the City of Genoa, which shall additionally govern the grounds and regulate the procedures for such appeals."

**I. 2023 Electrical Code:** The Electrical Code contains standards to safeguard persons and property from hazards arising from the use of electricity. The City of Genoa has adopted the 2023 Electrical Code with the following amendments:

i. Section 90-4 is hereby amended by adding thereto the following provisions:

"The Genoa Building Department of the City of Genoa, Illinois and the duly appointed Code Official of the City of Genoa, Illinois and authorized designees that



are hereby authorized and designated to carry out the enforcement provisions of this code."

"Means of Appeal. Any person affected by a decision of the code official or a notice or order issued under this code shall have the right of appeal to the City Administrator, established by Section 113 of the Building Code, including amendments provided for by the City Code of the City of Genoa, provided that provisions of this code shall regulate the procedures for such appeals."

- ii. The following additional regulations and standards are hereby adopted as supplementary and in addition to the requirements of the Electrical Code and are hereby incorporated as if fully set forth therein.
  - a. The bonding wire attaching the ground rode to the meter base connection shall be fitted with a bronze grounding bridge kit and shall have two ground rods embedded with spacing of 6' apart.
- J. **2014 Plumbing Code:** The Plumbing Code contains standards to safeguard persons and property from hazards arising from the use of plumbing. The City of Genoa has adopted the 2014 Plumbing Code with the following amendments:
  - i. The Plumbing Code is hereby adopted with no amendments.
- K. **2012 Life Safety Code:** The Life Safety Code contains standards to safeguard persons and property. The City of Genoa has adopted the 2012 Life Safety Code with the following amendments:
  - i. Section 24.3.5.1, inclusive is hereby repealed in its entirety and a new Section 24.3.5.1 is hereby adopted in lieu thereof as follows:

"A builder of one and two family dwellings to be constructed for a prospective purchaser shall offer to the purchaser at the time of entering into the construction/purchase contract the option, at the purchasers cost, to install or equip fire sprinklers in the dwelling, residence or unit. No purchaser of such one or two family dwelling shall be denied the right to choose or decline to install a fire sprinkler system in such dwelling or residence being purchased. Written verification by the builder affirming that a fire sprinkler system was offered to the purchaser at the time of entry into the construction/purchase contract must be included in the permit application."

## **CHAPTER 2**

# **ADDITIONAL PERMIT AND INSPECTION REQUIREMENTS**

**9-2-1: Permit Requirements**

**9-2-2: Application for Permit**

**9-2-3: Expiration of Building Permit**

**9-2-4: Extension of Building Permit**

**9-2-5: Voided Permits**

**9-2-6: Inspections; Certificates of Occupancy**

**9-2-7: Demolition Permit Requirements**

**9-2-8: Fees**

**9-2-9: Enforcement Officials**

**9-2-10: Violations; Penalties**

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

- A. Permit Required: No person, firm or corporation shall erect, construct, enlarge or modify any building or structure, or such building. Except during emergency situations, any person who violates this section and has been issued a citation signed by a City Law Enforcement Officer shall be fined in accordance with Section 1-4-1 of the City Code.
- B. A permit shall be denied if the plans submitted do not confirm to all the requirements and ordinances of the City which denial shall be stated in writing.
- C. The City 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.
- D. Plan Review: To obtain a permit, the owner or his/her representative shall file an application therefor on a form furnished to the City of Genoa for that purpose, and said application shall include a signed statement indicating the purpose of the building unit. Three sets of plans must be furnished at the time of the permit application. Said plans shall include, at a minimum, the following information:

Site Plan: Showing location and distance from lot lines of existing and proposed structures is in conformance with setback standards as established in the unified development ordinance, lot dimensions, existing easements, top of foundation elevation, and lot grading which shall be in substantial compliance with the previous approved subdivision grading plans

Foundation Plan: Showing detail of size, height and reinforcement used in footings and foundation walls. Size and spacing of concrete pads must also be included (for new construction only).

Complete Floor Plan: Showing dimensions and uses of each room; also, window and door locations and sizes, all electrical, plumbing, and mechanical device placements (for new construction only).

Structural Plan: Showing member sizing and spacing for walls, floors and roof.

Building and Fire Plan Review: Not less than two (2) sets of fire suppression plans shall be provided to the City of Genoa to determine whether submitted plans comply with City of Genoa requirements. If the submitted plans comply with aforementioned requirements, a permit shall issued. (For new commercial and industrial construction)

- E. The State of Illinois requires contractors, property managers and others paid to replace windows or renovate residential houses, apartments, and child-occupied facilities, built prior to 1978, to be certified by the U.S. Environmental Protection Agency (EPA) to protect children from leaded dust that may result from disturbing lead-based paint.

All contractors doing work in the City of Genoa must be licensed by the City.

General Contractor

License and Permit Bond (Original)

Certificate of Insurance (Original)

Sub-Contractor - Plumber

State of Illinois License

State of Illinois Registration number

Cross-Connection License (if applicable)

**\* List of Accepted Testing by the City of Genoa for Sub-Contractors –  
Fire Alarm**

State of Illinois License

Rofer

Certificate of Insurance (Original)

State of Illinois Roofing License (copy)

Sub-Contractor - Sprinkler

State of Illinois License

**9-2-3: EXPIRATION OF BUILDING PERMIT:**

Except for single-family homes and townhomes in buildings containing 6 units or less, building permit shall expire if no work is commenced within six (6) months from the date

the permit was issued. Single-family homes and townhouses in buildings containing 6 units or less expire after 1 year.

#### **9-2-4: EXTENSION OF BUILDING PERMIT:**

An extension of a building permit may be granted to the owner, lessee or designated agent. A total of two (2) extensions may be granted by the City Administrator or Code Official on sole discretion for good cause shown, and only after submittal of such new and revised plans, tests and reports as recommended by the building department. Where, under the authority of a building permit or extension, work has begun and has been abandoned for a continuous or cumulative period of six (6) months or more, all rights under such building permit shall thereupon terminate and permit fees shall be forfeited.

#### **9-2-5: VOIDED PERMITS:**

A permit issued through the presentation of a false or a misleading application shall be void. Individuals working under void permits shall be subject to the penalties described in this chapter as though no permit was ever issued. No refund shall be made to anyone obtaining a void permit.

#### **9-2-6: INSPECTIONS; CERTIFICATES OF OCCUPANCY:**

- A. Notice of Inspection; Required inspections: All bearers of building permits are required to give the building inspector staff twenty-four (24) hours' advance notice of the readiness of a particular building unit for inspection following completion of the following stages of construction:
- (i) Footing Excavation -An inspection is required before concrete is poured and after excavation and forming have been completed.
  - (ii) Foundation Forms-An inspection is required after the foundation wall forms are set and before concrete is poured
  - (iii) Foundation Wall-An inspection is required before backfilling and after footing drain tile has been placed and damp proofing completed.
  - (iv) Top of Foundation Certificate. -Immediately after the foundation has been poured prior to framing, the owner or contractor shall submit to the City a copy of the Top of Foundation Certificate showing the top of foundation elevations in USGS Datum, and the distances to the lot lines. This elevation survey shall be approved by the City. In no case shall framing begin until such Top of Foundation Certificate is approved.
  - (v) Electric Service -An inspection is required after electric panel, meter enclosure, and temporary ground have been installed.

- (vi) Underground Plumbing and Sewer and Water -An inspection is required before concrete is poured in a basement or floor slab and after underground plumbing work has been completed. An inspection is required after water and sewer has been installed to the main into the building prior to covering any pipe up.
- (vii) 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. A sheer inspection will also take place at this time.
- (viii) Rough Plumbing -An inspection is required before any insulation and vapor barrier is installed and after rough plumbing is completed.
- (ix) 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.
- (x). Rough Energy and House wrap- An inspection is required before insulation and vapor barrier is installed and after the doors and house wrap is installed.
- (xi) Insulation and Vapor Barrier -An inspection is required before any interior wall finish is applied and after the insulation and vapor barrier are installed.
- (xii) Drywall – A drywall inspection is required after insulation but before final inspections.
- (xiii) 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, energy, plumbing, site engineering, landscaping, and fire protection. All fire protection systems shall be approved by the City after inspection by the local fire protection district. An as-built grading plan should also be approved to the City prior to issuance of a final occupancy detailing that the finished grades of the lot, building with top of foundation, building dimensions and setbacks to lot lines, with spot elevations at locations indicated on the approved site plan are in conformance with the subdivision grading plans and standards of this Code.

B. Failure of Inspection: Should an inspection be failed, the Building Inspector will provide in writing the nonconformities to this code in writing to the applicant or his/her contractor. A reinspection will be required to ensure this Code is met. A re-inspection fee as defined in Appendix A may be assessed.

C. Additional Building Requirements and Inspections:

1. Temporary access drive.- A temporary access drive is required from the start of any excavation or demolition until prior to final grading. The access drive shall be placed anywhere vehicles drive upon the construction site or parkway. The access drive shall be constructed of a material such as gravel or woodchips that will provide a sufficient barrier to prevent soil from embedding into vehicle tires. In addition, the access drive shall provide a safe, clear and unobstructed pathway from the public property to the structure under construction in order to allow access for inspections.
2. Residential or nonresidential buildings can meet the building protection requirements by one of the following methods:
  - a. The lowest floor (including basement) shall be at or above the flood protection elevation.
  - b. The fill shall be placed in layers no greater than six inches (6") before compaction and should extend at least ten feet (10') 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.
3. 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, crawl space, or other foundation that is permanently open to floodwaters.
  - b. All components located below the flood protection elevation shall be constructed of materials resistant to flood damage.
  - c. The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation.
  - d. If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of

floodwaters. Designs must either be certified by a licensed professional engineer or by having a minimum of one permanent opening on each wall no more than one-foot (1') above grade with a minimum of two (2) openings. The openings shall provide a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding below the base flood elevation, and 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.

- e. 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. 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
- f. In lieu of the above criteria, the design methods to comply with these requirements may be certified by a licensed professional engineer or architect.
- g. The building may be constructed with a crawl space located below the flood protection elevation provided that the following conditions are met:
  - h. 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.
  - i. 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 square inch per one square foot of enclosed area. The openings shall be no more than one foot (1') above grade.
  - j. The interior grade of the crawl space below the flood protection elevation must not be more than two feet (2') below the lowest adjacent exterior grade.
  - k. Interior height of the crawl space measured from the interior grade of the crawl space to the top of the foundation wall must not exceed four feet (4') at any point.
  - l. An adequate drainage system must be installed to remove floodwaters from the interior area of the crawl space within a reasonable period of time after a flood event.

- m. Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage, and
- n. Utility systems within the crawl space must be elevated above the flood protection elevation.

4. Nonresidential buildings may be structurally dry floodproofed (in lieu of elevation) provided a licensed professional engineer or architect certifies that:

- a. Below the flood protection elevation, the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood.

- b. 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.

- c. Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.

5. Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this section.

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 foot (1') above grade with one square inch of opening for every one square foot of floor area.

8. The structure shall be anchored to resist flotation and overturning.

D. Issuance of Certificate of Occupancy:

1. Final Occupancy: Upon approval of the Building Inspector following final inspection, a certificate of occupancy will be signed and given to the owner. Occupancy and use shall not be allowed until the certificate is issued. Occupancy or use without receipt of said certificate shall constitute a separate offense.

2. Temporary Occupancy: The City Building Inspector may issue a temporary occupancy permit when items to be completed are limited to sidewalk, landscaping and seed / sod, b-box height inspection, and submittal of a final grading survey.

- i. A temporary occupancy permit may be issued upon the following conditions:

- a. Approval from the Building Inspector of all then completed items.
- b. Proper provisions for health and safety.



- c. Submittal of a performance bond in accordance with Appendix A of the City Code of the City of Genoa
  - d. The temporary occupancy shall expire 6 months after the occupancy is issued. A fine in accordance with Section 1-4-1 shall be assessed to the individual that submitted the bonds required under this Section.
- ii. Release of Temporary Occupancy bonds: Performance bonds held for the work to be completed shall be released upon completion.

### **9-2-7: DEMOLITION PERMIT REQUIREMENTS:**

If a building or structure is to be demolished, the applicant/owner shall apply for a demolition permit, as well as a state of Illinois or county demolition permit if necessary. A plat of survey shall be submitted identifying the structure(s) to be demolished and any existing buildings and structures, which are to remain. A tree survey depicting the location, and delineating the species and size of all existing trees four inches (4") in diameter and larger existing on the lot. The applicant shall comply with the international building code section 3303.

A. Demolition Permit Time Limit: No demolition permit or approval made pursuant to this title shall be valid for a period of more than one year after the date of issuance. Demolition shall be commenced or completed within thirty (30) days of commencement of demolition.

B. Permit Renewal Fee: The fee for any renewal or reissuance of any demolition permit or reconstruction permit or approval shall be the same as the original cost of such permit approval  
Required Plans, Specifications and Submittals: Every application for a demolition permit shall be accompanied by the following plans and specifications:

C. Building Plans and Specifications: If the application includes demolition of a principal structure, and reconstruction of any structure upon any portion of the land for which a demolition permit is issued, then the application shall include building plans and specifications prepared in compliance with the provisions of this title for any structure to be built on the subject property.

D. Stormwater Management Plans: In addition to all other required plans and specifications, the application shall include detailed plans and specifications for stormwater management, soil erosion control, and grading on the subject property. Such plans and specifications shall be on a drawing or drawings separate from all other plans and specifications, labeled as "stormwater management plans". Such plans and specifications shall be prepared by a licensed professional engineer, shall be made in conformance with the requirements of the City's stormwater management ordinance, and shall include a certification by the applicant, in a form provided by the City, that all requirements of the City's codes, ordinances, and regulations related to stormwater management, soil erosion control, and grading shall be satisfied by the applicant at all times. Among other details, the required stormwater management plans shall include:

- i. Drainage plans, and soil erosion control during demolition; and

- ii. Stormwater management and soil erosion control during any period of time between completion of demolition and commencement of reconstruction; and
- iii. Stormwater management commencing with preparation for foundation pouring and continuing during the entire new construction process until final grading of the subject property.

- E. Materials and Spoils Storage Plans: The application shall include plans depicting the proposed location for storage of materials and spoils on the subject property.
- F. Dust and Airborne Particulate Control Provisions: The application shall include provisions for controlling dust and other airborne particles from the subject property, including, without limitation, a source of water and spraying equipment and any other measures to be taken to control airborne particles at all times during demolition or reconstruction procedures.
- G. PR demolition Inspection And Utility Report: Prior to the issuance of a building permit for any reconstruction activity on the subject property, the Code Official or public works director shall have prepared a predemolition inspection and utility report regarding existing conditions affecting the subject property, which shall describe the approximate location and depth, if known, of existing City's water, sanitary sewer and storm sewer, if any, in the vicinity of the subject property, and the approximate cost to install new service connections to the City water, sanitary sewer and storm sewer as applicable.
- H. Fencing: If the permit authorizes demolition and/or authorizes reconstruction of a new principal structure, then the applicant shall cause a six-foot (6') chainlink safety fence to be installed around the perimeter of either the excavation, the structure under construction, or the entire construction area, in a location and manner approved by the building department and shall remain locked when no one is on site. The fencing shall be installed not more than seven (7) days nor less than four (4) days before commencement of any work.
- I. Site Management Standards: The following site management standards shall apply to all permitted work:
- J. Accessibility Standards, Sidewalk and Right-Of-Way: No pavement or sidewalk within any public right-of-way shall be unavailable for public use at any time except when such pavement or sidewalk is removed and replaced. No such pavement that is removed shall be out of service for more than twenty-four (24) hours without the approval of the public works director. No such sidewalk that is removed and replaced shall be out of service for more than thirty (30) days unless approved by the public works director. No storage of demolition debris, spoil, or
- K. Sanitation Facilities Required: One such portable toilet with sink shall be provided at every site of construction of a new principal structure, or when reconstruction occurs where sanitary facilities are not available prior to commencement of excavation of the foundation or slab for the new structure. The proposed location of any portable toilet shall be depicted on plans submitted at the time of application for the review and approval of the planning and development services department.

L. Litter Control and Cleanup: Litter and debris at the subject property shall be controlled at all times. The applicant shall designate a person regularly present at the subject property as having responsibility to assure that no litter or debris leaves the subject property and that all litter and debris is removed from the subject property before the end of every day, including weekends and regardless of whether work was conducted that day on the subject property.

M. Street and Sidewalk Cleaning: The applicant shall cause all dirt, mud, gravel and other debris from the subject property or related to any work conducted on the subject property to be cleaned regularly every day from all sidewalks and streets adjoining and in the area of the subject property.

N. Weeds And Long Grass: All persons undertaking work pursuant to a permit issued under this title shall maintain the subject property in compliance with the standards of section 4-3-2 of this City of Genoa code related to the control of weeds and long grass.

### **9-2-8: FEES:**

Any application for a building permit shall be accompanied by a fee as set by the City of Genoa in Appendix A of the City Code. Fees shall apply to all new construction of any building or structure.

### **9-2-9: ENFORCEMENT OFFICIALS:**

The position of Code Officials, or the City's designee, shall enforce the provisions of this chapter.

### **9-2-10: VIOLATIONS; PENALTIES:**

A. Nuisance: Every building constructed or under construction which the Code Official, or the City's designee, determines to be in violation of this code, is hereby declared to be a nuisance. It shall be the duty of the Code Official to provide a written or printed notice to be served upon the owner and/or the builder of any person doing the work thereto, requiring him to stop work thereon and to conform to the requirements of this code.

**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:**

- A. 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) The owner of a structure shall meet any of the following criteria shall post an identifying the street number of the lot as established by the City of Genoa uniform addressing and numbering system. The owner shall be responsible for compliance with this chapter. The owner shall not alter or cause to be altered the address sign.
- B. Specifications and Location: The size and specifications of each such sign and placement on the building shall conform to the following requirements: four inches (4") high by two inches (2") wide with contrasting colors of the structure.

### **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 are 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 Protection 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 100-year frequency flood headwater elevation as determined by a FEMA flood insurance study completed or approved by IDNR/OWR.
- d. The project shall not 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, channel and Streambank Protection Activities) or Statewide Permit Number 11 (Minor Maintenance Dredging Activities).
- e. The permittee shall maintain records of 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 stromwater 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 6 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 perspn 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)