

CHAPTER 6

BUILDING CODE

ARTICLE I

BUILDING CODE ADOPTED

6-1-1 **ADOPTION OF BUILDING CODE.** A certain document, **three (3) copies** of which are on file in the office of the City Clerk of the City of Mt. Sterling being marked and designated as "The BOCA National Building Code, (1996 Edition)" as published by The Building Officials and Code Administrators International, Inc. be and is hereby adopted as the Building Code of the City of Mt. Sterling in the State of Illinois for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA National Building Code, are hereby referred to, adopted and made a part hereof as if fully set out in this Article with the additions, insertions, deletions and changes, if any, prescribed in **Section 6-1-2** of this Article. **(Ord. No. 98-99-11; 10-12-98)**

6-1-2 **ADDITIONS, INSERTIONS, AND CHANGES.** That the following sections are hereby revised as follows:

Section 100.1 (page 1, second line). Insert: City of Mt. Sterling.

Section 103.4 (page 3, first line). Insert: February 1, 1992.

Section 114.3.1 (page 11, third line). Insert: See Schedule "A"

Section 117.4 (page 13, fifth, sixth and seventh lines). Insert: Offense, \$500.00, "No".

Section 118.2 (page 13, fourth and fifth lines). Insert: "\$50.00 or more than \$500.00".

Section 123.3 (page 17, second line). Insert "\$50.00".

Section 2906.1 (page 438, first, second and third lines). Insert: See Schedule "A".

6-1-3 **COPY AVAILABLE.** A copy of said BOCA National Building Code, which has heretofore been filed with the City Clerk as required by statute and herein adopted by reference, and all publications referred to therein, shall be filed with the City Clerk and there kept available for public use, inspection and examination.

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6-1-4 DUTIES OF BUILDING INSPECTOR.

(A) The Building Inspector shall receive applications required by this Code, issue permits and furnish the prescribed certificates. He shall examine premises for which permits have been issued, and shall make necessary inspections to see that the provisions of law are complied with and that construction is prosecuted safely. He shall enforce all provisions of the Building Code. He shall, when requested by proper authority or when the public interest so requires, make investigations in connection with matters referred to in the Building Code and render written reports on the same. To enforce compliance with law, to remove illegal or unsafe conditions, to secure necessary safeguards during construction or to require adequate exit notice facilities in buildings and structures, he shall issue such notice or orders as may be necessary.

(B) Inspections required under the provisions of the Building Code shall be made by the Building Inspector or his duly appointed assistant. The Building Inspector may accept reports of inspectors of recognized inspection services, after investigation of their qualifications and reliability. No certificate called for by any provision of the Building Code shall be issued on such reports unless the same are in writing and certified to by a responsible officer of such service.

(C) The Building Inspector shall keep comprehensive records of applications, of permits issued, of certificates issued, of inspections made, or reports rendered, and of notices or orders issued. He shall retain on file, copies of required plans and all documents relating to building work so long as any part of the building or structure to which they relate may be in existence.

(D) All such records shall be open to public inspection for good and sufficient reasons at the stated office hours, but shall not be removed from the office of the Building Inspector without his written consent.

(E) The Building Inspector shall make written reports to his immediate superior once each month, or more often, if requested, including statements of permits and certificates issued, and orders promulgated.

(F) The Building Inspector shall perform all such other duties as may be required of him by this Code or any ordinance now in effect or hereafter adopted. The term “Building Inspector” and “Building Official” shall be synonymous.

6-1-5 COOPERATION OF OTHER OFFICIALS. The Building Inspector may request and shall receive so far as may be necessary, in the discharge of his duties, the assistance and cooperation of other officials of the Municipality.

ARTICLE II

PROPERTY MAINTENANCE CODE

6-2-1 **NATIONAL PROPERTY MAINTENANCE CODE ADOPTED.** The BOCA National Property Maintenance Code/1998, be and the same is hereby adopted by the City of Mt. Sterling, Illinois for the purposes of establishing minimum requirements to protect the public health, safety and welfare in all existing premises including permits and penalties and that the BOCA National Property Maintenance Code/1998, recommended by the Building Officials and Code Administration International Inc., being particularly the 3rd edition thereof, and the whole thereof of which not less than **one (1) copy** has been and is now on file in the Office of the City Clerk and the same is hereby adopted and incorporated as fully as if set out at length herein and the provisions thereof shall be controlling in the maintenance of all buildings and structures therein contained within the City. (**Ord. No. 98-99-11; 10-12-98**)

6-2-2 **DEFINITION IN CODE.**
(A) Whenever the word "Municipality" is used in the Code, it shall be held to mean the City of Mt. Sterling, Illinois.
(B) Whenever the term "Corporate Counsel" is used in the Property Maintenance Code, it shall be held to mean the Attorney for the City of Mt. Sterling, Illinois.

6-2-3 **OCCUPANCY PERMIT REQUIRED.**
(A) It shall be unlawful for any person, owner or agent thereof to occupy or use, or to permit the occupancy or use of any existing structure residential and non-residential, for any purpose including the movement of furniture, equipment or other personal property into said premises until a Permit of Occupancy has been issued by the Building Inspector. The Certificate so issued shall state that the occupancy complies with all of the provisions of this Code as far as can be determined by a visual inspection of the premises and a review of records.
(B) The fee for the occupancy permit shall be as established for each structure or building, or portion thereof, occupied. If an inspection certificate has been issued, then an occupant may move in on weekends and holidays when the department, responsible for issuing occupancy permits, is closed. The occupant is required to obtain the permit written **three (3) days** after the Department is open.
(C) All public utilities (water, sewer, gas and electric) operating within the City of Mt. Sterling shall not be allowed to provide service until a valid occupancy permit has been issued.

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6-2-4 **APPLICATION RESIDENTIAL.** It shall be unlawful for any person to knowingly make any false statement on an application for an occupancy permit for a structure as to the names, relationships, or number of occupants who will occupy the structure or building.

6-2-5 **ACTION ON AN APPLICATION.** The Building Inspector shall examine or cause to be examined all applications for permits within a reasonable time after filing **(five (5) working days)**. He shall cause the premises to be inspected if he deems it necessary. The owner occupant of every structure or building and its premises shall give the Building Inspector free access thereto at all reasonable time for the purpose of such inspection. An inspection may be valid for a period of **one (1) year**. The structure does not have to be reinspected during that year, even if the occupancy changes. There shall be no fee for the original inspection, nor the first re-inspection, if necessary. There shall be a fee of **Ten Dollars (\$10.00)** for every re-inspection after the first one. No permit shall be required under this Article for dwelling unit that is less than **three (3) years** of age.

6-2-6 **ISSUANCE OF PERMIT.** If all the fees are paid and the Building Inspector is satisfied that the premises and its occupancy are in compliance with the Code and all laws and ordinances applicable thereto, the Building Inspector shall issue the occupancy permit as soon as practicable.

6-2-7 **CONDITIONAL PERMIT.** Occupancy shall be permitted on a conditional basis when in the judgment of the Building Inspector practical difficulties interfere with completing all repairs required to bring the premises into full compliance with this Code prior to permitting occupancy. The Conditional Permit shall be for **thirty (30) days** and in the judgment of the Building Inspector can be extended in **thirty (30) day** increments up to an aggregate of **ninety (90) days**. However, no conditional permit shall be issued when there is a condition on the premises which have been newly constructed, newly altered, or on which a change in use is proposed unless a Certificate of Use and Occupancy has first been issued under the provisions of the Building Code.

6-2-8 **REJECTION OF APPLICATION.** If the application does not comply with the requirements of all pertinent laws, the Building Inspector shall reject such application in writing, stating the reasons therefor.

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6-2-9 **SUSPENSION OF PERMIT.** Any permit issued shall become invalid if the occupancy is not commenced within **six (6) months** after issuance of the permit or if the occupancy is terminated.

6-2-10 **REVOCAION OF PERMIT.** The Building Inspector may revoke a permit in case of any false statement or misrepresentation of facts in the application on which a permit was based, or in the event a structure or part thereof is condemned pursuant to this Code.

6-2-11 **RIGHT TO APPEAL.**

(A) **Appeal of Decision.** Any person by any decision or order of the Building Inspector in any matter related to the interpretation or enforcement of any provision of this Code may appeal to the City Council.

(B) **Filing, Record Transmittal.** Every appeal shall be made within **thirty (30) days** of the matter complained of by filing with the Building Inspector and the Municipal Clerk a written notice specifying the grounds for appeal. Not more than **five (5) working days** after the notice of appeal has been filed, the Building Inspector shall transmit to the City Council all records pertinent to the case.

(C) **Stay of Further Proceedings.** An appeal stays all further action on the matter being appealed unless the Building Inspector certifies to the City Council after the notice of appeal has been filed with him, that for reasons stated in the certificate, a stay would cause imminent peril to life or property. In such case, further action shall not be stayed unless circuit court grants a restraining order for due cause, and so notifies the Building Inspector.

(D) **Hearing, Decision by City Council.** The City Council shall publicly hear each appeal at their next regularly scheduled meeting following submission of the Building Inspector's records. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. The City Council shall render a decision on the appeal within **fifteen (15) days** after the hearing. They may reverse or affirm, wholly or partly, or may modify or amend the decision or order appealed from, to the extent and in the manner that they deem appropriate.

6-2-12 **OCCUPANCY UNLAWFUL.** It shall be unlawful for any person to erect, use, occupy or maintain any building or structure in violation of any provision of this Code or to cause, suffer or permit any such violation to be committed. It shall be the responsibility of the offender to abate the violation as expeditiously as possible, and each day such violation is permitted to continue shall constitute a separate offense.

ARTICLE III

ELECTRICAL CODE

6-3-1 **NATIONAL ELECTRICAL CODE ADOPTED.** The National Electric Code/1990, as published by the National Fire Protection Association is hereby adopted by the City of Mt. Sterling, Illinois for the purposes of establishing rules and regulations for electric installations, including permits and penalties and that the National Electrical Code/1990, recommended by the National Fire Protection Association, being particularly the 1990 edition thereof, and the whole thereof of which not less than **three (3) copies** have been and are now on file in the Office of the City Clerk, and the same are hereby adopted and incorporated as fully as if set out at length herein and from the date on which this Article shall take effect and the provisions thereof shall be controlling in the electrical installations of all buildings and structures therein contained within the City.

6-3-2 **DEFINITION IN ELECTRICAL.**
(A) Whenever the word "Municipality" is used in this Code, it shall be held to mean the City of Mt. Sterling, Illinois.
(B) Whenever the term "Corporate Counsel" is used in the Electrical Code, it shall be held to mean the Attorney for the City of Mt. Sterling, Illinois.

6-3-3 **PROCEDURES.** The procedure for securing an occupancy and/or approved permit as established in **Sections 6-2-3** through **6-2-10** of this Chapter are hereby included by reference for this enforcement of the National Electrical Code, as adopted herein.

6-3-4 **ENFORCEMENT.** It is hereby made the duty of the Building Inspector to administer and enforce the provisions of this Code.

6-3-5 **MODIFICATIONS.** The Electrical Inspector shall have power to modify any of the provisions of the Code hereby adopted upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Code, provided that the spirit of the Code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Electrical Inspector thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

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6-3-6 **APPEALS.** Whenever the Electrical Inspector shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Electrical Inspector to the City Council within **thirty (30) days** from the date of the decision appealed.

6-3-7 **PERMITS AND FEES.** It shall be unlawful for any person to install or remodel any wiring without first securing from the wiring inspector a permit to do such work. (Exceptions being only as to minor changes of not more than **four (4)** electrical outlets or **two (2)** electrical fixtures.) No permit as required by this Code shall be issued until the fee prescribed in this Code shall have been paid.

The following shall be the schedule of fees for electrical permits:

Lamp circuits	\$4.00 each
Receptacle circuits	\$4.00 each
Electric range circuits	\$4.00 each
Furnace circuits	\$8.00 each
Water heater circuits	\$8.00 each
Clothes dryer circuits	\$8.00 each
Garbage disposal circuits	\$4.00 each
Air conditioner circuits	\$8.00 each
Exhaust fan circuits	\$4.00 each
Final inspection fee	\$2.00

6-3-8 **PENALTIES.**

(A) Any person who shall violate any of the provisions of the Code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement or specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the City or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not less than **Ten Dollars (\$10.00)**, nor more than **Two Hundred Dollars (\$200.00)**. The imposition of **one (1)** penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each **ten (10) days** that prohibited conditions are maintained shall constitute a separate offense.

(B) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

ARTICLE IV

FIRE CODE

6-4-1 **NATIONAL FIRE PREVENTION CODE ADOPTED.** The BOCA National Fire Prevention Code/1990, is hereby adopted by the City of Mt. Sterling, Illinois which prescribes minimum requirements and controls to safeguard life, property and public welfare from the hazards of fire and explosion arising from the storage, handling or use of substances, materials or devices and from conditions hazardous to life, property or public welfare in the use of occupancy of buildings and structures, including permits and penalties and that the BOCA Fire Prevention Code/1990, recommended by the Building Officials and Code Administration International Inc., being particularly the 8th edition thereof, and the whole thereof of which not less than **three (3) copies** have been and are now on file in the Office of the City Clerk and the same are hereby adopted and incorporated as fully as if set out at length herein and from the date on which this Article shall take effect and the provisions thereof shall be controlling within the corporate limits of the City.

6-4-2 **DEFINITIONS IN FIRE CODE.**

(A) Whenever the word "Municipality" is used in this Code, it shall be held to mean the City of Mt. Sterling, Illinois.

(B) Whenever the term "Corporate Counsel" is used in the Fire Code, it shall be held to mean the Attorney for the City of Mt. Sterling, Illinois.

6-4-3 **PROCEDURES.** The procedure for securing an occupancy and/or approved permit as established in **Sections 6-2-3** and **6-2-10** of this Chapter are hereby included by reference for the enforcement of the National Fire Prevention Code as adopted herein.

ARTICLE V

PLUMBING CODE

6-5-1 **NATIONAL PLUMBING CODE ADOPTED.** The BOCA National Plumbing Code/1995, is hereby adopted by the City of Mt. Sterling, Illinois for the purposes of establishing rules and regulations for the design and installation of plumbing systems, including sanitary and storm drainage, sanitary facilities, water supplied, storm water and sewage disposal in buildings, including permits and penalties and that the BOCA National Plumbing Code/1995, recommended by the State of Illinois, and the whole thereof of which

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not less than **one (1) copy** has been and is now on file in the Office of the City Clerk, and the same is hereby adopted and incorporated as fully as if set out at length herein and from the date on which this Article shall take effect and the provisions thereof shall be controlling within the corporate limits of the City. **(Ord. No. 98-99-11; 10-12-98)**

6-5-2 **DEFINITIONS IN PLUMBING CODE.**

(A) Whenever the word "Municipality" is used in this Code, it shall be held to mean the City of Mt. Sterling, Illinois.

(B) Whenever the term "Corporate Counsel" is used in the Plumbing Code, it shall be held to mean the Attorney for the City of Mt. Sterling, Illinois.

(C) Any reference in the BOCA National Plumbing Code to the Building Official shall be read as meaning the Building Inspector of the City of Mt. Sterling. **(Ord. No. 98-99-11; 10-12-98)**

6-5-3 **PROCEDURES.** The procedure for securing an occupancy and/or approved permit as established in **Section 6-2-3** and **6-2-10** of this Chapter are hereby included by reference for the enforcement of the BOCA National Plumbing Code, as adopted herein. **(Ord. No. 98-99-11; 10-12-98)**

6-5-4 **ENFORCEMENT.** It is hereby made the duty of the Building Inspector to administer and enforce the provisions of this Chapter.

6-5-5 **BUILDINGS - OCCUPANCY.** It shall be unlawful to use or occupy any premises as habitations, or for business, trade, industry or meeting purposes in the City unless such premises are equipped with sewage disposal facilities consisting of either a connection with a sanitary sewer system as provided by this Code.

6-5-6 **PLUMBING PERMITS.** It shall be unlawful for any person to install or remodel any plumbing, drainage or plumbing ventilation system without first securing from the Plumbing Inspector a permit to do such work.

No permit as required by this Article shall be issued until the fee prescribed in this Code shall have been paid.

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6-5-7 **FEES.** The following shall be the schedule of fees for plumbing permits:

*Water service connection fee	\$25.00
*Sewer service connection fee	25.00
Final inspection	2.00
For each plumbing fixture	1.00
For each floor drain	1.00
Street cut for water/sewer service	70.00
Alley cut for water/sewer service	30.00
*Water service tap	179.00
*Sewer service tap	25.00

*Water or Sewer connection is defined as the act of connecting to an existing service. Water or Sewer tap is defined as a new installation and hook on to a water or sewer main. New water and sewer services are charged a tap service fee and inspector fee.

6-5-8 **PENALTY.** It shall be unlawful for any person to erect, use, occupy or maintain any building or structure in violation of any provisions of this Code or of the Illinois State Plumbing Code hereinabove adopted, or to cause, suffer or permit any such violation to be committed. It shall be the responsibility of the offender to abate the violation as expeditiously as possible, and each day such violation is permitted to continue shall constitute a separate offense.

ARTICLE VI - SWIMMING POOLS

6-6-1 **APPLICATION OF PROVISIONS.** All provisions of this Article pertaining to maintenance and sanitation shall apply to all private swimming pools in the City, whether heretofore or hereafter constructed. Provisions pertaining to construction shall apply to pools constructed after the effective date of this Code.

6-6-2 **PRIVATE SWIMMING POOL.** The term “swimming pool” is hereby defined as a receptacle for water, or an artificial pool of water having a depth at any point of more than **two (2) feet**, intended for the purpose of immersion or partial immersion therein of human beings, and including all appurtenant equipment.

6-6-3 **PERMIT REQUIRED.** It shall be unlawful to proceed with the construction, installation, or alteration of any private swimming pool within the City unless a permit be first obtained from the Building Inspector.

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6-6-4 **SCUM DISPOSAL.** Scum gutters or other effective method of removing scum shall be provided for all pools.

6-6-5 **SAFETY EQUIPMENT.** Pools shall be equipped with ladders firmly fastened to the construction. Diving boards will not be permitted in depths less than **seven (7) feet** of water. Pools shall be equipped with at least one standard life saver ring float easily demountable and readily accessible. Pool area shall be entirely enclosed with a fence not less than **four foot six inches (4' 6")** high with positive locking gates.

6-6-6 **PLUMBING.** In addition to compliance with the requirements of the Illinois Plumbing Code, swimming pools shall not be drained into City sanitary sewers, but may be connected to storm drains or gutters, or pumped or siphoned into ravines or natural watercourses. Any permanent water supply to pool shall be equipped with a vacuum breaker to prevent back siphonage to water supply system.

6-6-7 **WATER SUPPLY.** All pools shall be equipped to provide constant recirculation and filtration of water.

6-6-8 **ELECTRIC EQUIPMENT.** All metal parts of underwater electrical fixtures shall be grounded. If flexible cable is used ground wire must be incorporated therein. Portable equipment such as pumps, vacuum cleaners, etc., must be grounded.

6-6-9 **MAINTENANCE.** Pool water shall be kept chlorinated so as to insure freedom from harmful bacteria and infectious germs.

6-6-10 **INSPECTION.** The City Council may from time to time instruct a qualified representative of the City to inspect privately owned swimming pools and to make reports and recommendations with respect to the operation and maintenance thereof for the purpose of keeping the same sanitary and protecting the health of persons using the same.

6-6-11 **INFECTIOUS DISEASE.** It shall be unlawful for any persons having an infectious or contagious disease to use any swimming pool, and no person in charge of any pool shall knowingly permit such use.

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6-6-12 **PERMIT.** It shall be unlawful for any person, firm or corporation to fill a swimming pool from a City fire hydrant without first having obtained a permit therefor. All such applications shall be made in writing to the City Clerk, and there shall be collected on each permit issued, a fee of **Five Dollars (\$5.00)**. Filling of such pool shall be completed using a meter and shall at all times be supervised by a City employee. (**Ord. No. 2-'90-'91; 07-02-90**)

6-6-13 **PENALTY.** Any person who shall violate any of the provisions of this Article shall be subject to a fine as provided in **Section 1-1-19** of the Revised Code, and such person shall be deemed guilty of a separate offense for each day on which violation shall continue. (**Ord. No. 2-'90-'91; 07-02-90**)

ARTICLE VII - DANGEROUS BUILDINGS

6-7-1 **DEFINITIONS.** The term "**Dangerous Building**" as used in this Article is hereby to mean and include:

(A) Any building, shed, fence, or other man-made structure which is dangerous to the public health because of its condition and which may cause or aid in the spread of disease or injury to the health of the occupants of its or neighboring structures;

(B) Any building, shed, fence, or other man-made structure which, because of faulty construction, age, lack of proper repair or any other cause, is especially liable to fire and constitutes or creates a fire hazard;

(C) Any building, shed, fence, or other man-made structure which, by reason of faulty construction or any other cause is liable to cause injury or damage by collapsing or by a collapse or fall of any part of such structure;

(D) Any building, shed, fence, or other man-made structure which, because of its condition or because of lack of doors or windows is available to and frequented by malefactors or disorderly persons who are not lawful occupants of such structure.

Any such dangerous building in the City is hereby declared to be a nuisance.

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6-7-2 **PROHIBITION.** It shall be unlawful to maintain or permit the existence of any dangerous building in the City and it shall be unlawful for the owner, occupant, or person in custody of any dangerous building to permit the same to remain in a dangerous condition or to occupy such building or permit it to be occupied while it is or remains in a dangerous condition.

6-7-3 **ABATEMENT.** Whenever the Mayor or his designated representative, with the approval of the City Council, shall be of the opinion that any building or structure in the City is a dangerous building, he shall file a written statement to this effect with the City Clerk. The Clerk shall thereupon cause written notice to be served upon the owner thereof and upon the occupant thereof, if any, by certified mail or by personal service. Such notices shall state that the building has been declared to be in a dangerous condition, and that such dangerous condition must be removed or remedied by repairing or altering the building or by demolishing it; and that the condition must be remedied at once. Such notice shall be served upon the proper parties not less than **fifteen (15) days** before the City shall file application with the County Circuit Court for an order authorizing the demolition or repair of said building. Such notice may be in the following terms:

“TO: _____: (OWNER/OCCUPANT of premises) of the premises known and described as _____
_____.

‘You are hereby notified that _____
_____ (describe building) on the premises above mentioned has been condemned as a nuisance and a dangerous building after inspection by _____
_____.

‘The causes for this decision are _____

(here insert the facts as to the dangerous condition)

‘You must remedy this condition or demolish the building immediately within **fifteen (15) days** from the date of this notice or the City will proceed to do so.’”

In the event the building is not demolished or repaired or altered within the **fifteen (15) day** period of time elapsing from the date of the service of notice, then the City shall institute application before the County Circuit Court requesting an order authorizing the demolition, alteration, or repair of said building premises and the cost of such entailments shall be recovered from the owner or owners of such real estate and shall be a lien thereon.

Building Code Schedule “A”

6-7-4 **LIEN.** Charges for demolishing, repairing or altering of such building shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be mailed to the owner. If this bill is not paid within **thirty (30) days** of submission of the bill, a notice of lien of the cost and expense thereof incurred by the City shall be recorded in the following manner:

- (A) A description of the real estate sufficient for identification thereof.
- (B) The amount of money representing the costs and expenses incurred or payable for the service.
- (C) The date or dates when said costs and expenses were incurred or payable for the service by the City and shall be filed within **sixty (60) days** after the cost and expense is incurred.

6-7-5 **PAYMENT.** Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the City or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien.

6-7-6 **FORECLOSURE OF LIEN.** Property subject to a lien for unpaid charges shall be sold for non-payment of the same, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the City, after lien is in effect for **sixty (60) days**.

(See 65 ILCS Sec. 5/11-31-1)

ARTICLE VIII – BUILDING OPERATIONS

6-8-1 **USE OF STREETS.** The use of streets for the storage of materials in the process of construction or alteration of a building may be granted where the same will not unduly interfere with traffic and will not reduce the usable width of the roadway to less than **eighteen (18) feet**; provided that no portion of the street other than that directly abutting on the premises on which work is being done shall be used except with the consent of the owner or occupant of the premises abutting on such portion. Any person seeking to make such use of the street shall file with the

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City Clerk a bond with corporate sureties to be approved by the City Council, to indemnify the City for any loss or damage which may be incurred by it by reason of such use and occupation.

6-8-2 **NIGHT OPERATIONS.** No construction or alteration operations shall be carried on at nighttime if the same are accompanied by loud noises.

6-8-3 **SIDEWALKS.** No sidewalk shall be obstructed in the course of building, construction or alteration without a special permit from the Mayor or his authorized representative being first obtained.

6-8-4 **SAFEGUARDS.** It shall be the duty of the person doing any construction, altering or wrecking work in the City to do the same with proper care for the safety of persons and property. Warnings, barricades and lights shall be maintained wherever necessary for the protection of pedestrians or traffic; and temporary roofs over sidewalks shall be constructed wherever there is a danger to pedestrians from falling articles or materials. **(See Chapter 33 – Streets for additional requirements)**

SCHEDULE “A”

BUILDING FEES

No permit as required by the Building Code shall be issued until the fee prescribed in this Chapter shall have been paid. Nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the estimated cost of the building or structure, shall have been paid.

(A) **Construction or Alteration Fee.** For a permit for the construction or alteration of a building the fee shall be at the rate of **Three Dollars (\$3.00) per One Thousand Dollars (\$1,000.00)** of the estimated cost up to **Twenty Thousand Dollars (\$20,000.00)**, of the estimated cost, plus **Two Dollars (\$2.00) per One Thousand Dollars (\$1,000.00)** of the estimated cost in excess of **Twenty Thousand Dollars (\$20,000.00)** up to **One Hundred Thousand Dollars (\$100,000.00)** of the estimated cost, plus **Fifty Cents (\$0.50) per One Thousand Dollars (\$1,000.00)** of the estimated cost in the excess of **One Hundred Thousand Dollars (\$100,000.00)** of the estimated cost, but not less than **Three Dollars (\$3.00)** in any case; provided that no fee shall be required when the estimated cost does not exceed **Two Hundred Dollars (\$200.00)**.

(B) **Building Removal Fee.** For a permit for the removal of a building or structure from one lot to another, the fee shall be at the rate of **Three Dollars (\$3.00) per One Thousand Dollars (\$1,000.00)** of the estimated value of the building or structure in its completed condition after removal.

(C) **Building Removal – Same Lot - Fee.** For a permit for the removal of a building, or structure to a new location within the same lot, the fee shall be at the rate of **Three Dollars (\$3.00) per One Thousand Dollars (\$1,000.00)** of the estimated cost of moving, of new foundations and of work necessary to put the building or structure in usable condition in its new location.

(D) **Demolition Fee.** For a permit for the demolition of a building or structure, the fee shall be at the rate of **Seven Dollars (\$7.00)** for a **one (1) story** structure and **Nine Dollars (\$9.00)** for a **two (2) story** structure.

(E) **Abandonment of Project.** In case of abandonment or discontinuance, the cost of work performed under a permit may be estimated, and adjustment of the fee made and the portion of the fee for uncompleted work returned to the permit holder; provided that no refund of a prescribed minimum fee shall be made. If such discontinuance is due to revocation of permit, a similar adjustment and return may be made; provided that no refund shall be made until all penalties incurred or imposed by due authority have been collected. After such a refund has been made no work shall be resumed until a new application has been made and a new permit has been issued.

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(F) **Estimated Cost Defined.** The term “estimated cost” as used in this Section means the reasonable value of all services, labor, materials, and use of scaffolding and other appliances or devices entering to and necessary to, the prosecution and completion of the work ready for occupancy; provided that the cost of excavation or grading, and of painting, decorating or other work that is merely for embellishment or not necessary for the safe and lawful use of the building or structure, is not deemed a part of such estimated cost.