

CHAPTER 6

BUILDING CODES

ARTICLE I – CONSTRUCTION CODES

6-1-1 BUILDING CODE ADOPTION. “2012 International Building Code”, as published by International Code Council, Inc., including accumulative supplements thereto as amended from time to time, be and is hereby adopted as the Building Code for the City, for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of the 2012 International Building Code and accumulative supplements thereto are hereby referred to, adopted, and made a part hereof as if fully set out in this Code with any additions, insertions, deletions, and changes thereto, described as follows:

- (A) Section 101.1. City of Mt. Sterling.
- (B) Section 1612.3. City of Mt. Sterling.
- (C) Section 1612.3. December 19, 2012.
- (D) See Appendix “A” for building fees.

6-1-2 INTERNATIONAL RESIDENTIAL CODE. “2006 International Residential Code”, as published by the International Code Council, Inc., including accumulative supplements thereto as amended from time to time, be and is hereby adopted as the Residential Building Code for the City, for the control of one and two-family buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of the 2006 International Residential Code and accumulative supplements thereto are hereby referred to, adopted, and made a part hereof as if fully set out in this Code with any additions, insertions, deletions and changes thereto, described as follows:

- (A) Insert: “Mt. Sterling, Illinois” where wording calls for “Name of Municipality”.
- (B) Section R105.2. Work Exempt from Permit Change to: 1. One story detached accessory structure used as tool and storage sheds, playhouses and similar uses, provide the floor area does not exceed 200 square feet (11.15m²)
- (C) Section R301.1. Emergency Escape and rescued openings change to: Basement sleeping rooms shall have at least one operable emergency escape and rescue opening.

6-1-3 ELECTRICAL CODE ADOPTIONS. “The National Electrical Code, 2005 Edition”, as published by the National Fire Protection Association, including accumulative supplements thereto, as amended from time to time, be and is hereby adopted as the Electrical Code for the City, for the control of installations, alteration and use of electrical equipment in the City, and all regulations, provisions, penalties, conditions, and terms of that Code are hereby referred to, adopted, and made a part thereof, as if fully set out in this Code, with additions, deletions, insertions, changes or exclusions thereto, described as follows:

- (A) **Additions.**
 - (1) The service entrance conductors for systems whose voltage does not exceed **three hundred (300) volts** to ground, shall continue from the point of connection of the utility company, to and including the first over current/load interrupting device shall be installed in accordance with the applicable requirements of the National Electrical Code and Utility Company specifications and shall utilize one or more of the following methods:
 - (a) Threaded rigid metal conduit.
 - (b) Rigid non-metallic conduit for underground systems.
 - (c) Wireways.
 - (d) Busways.
 - (e) Auxiliary gutters.

- (f) Cable bus.
 - (g) Mineral-insulated metal-sheathed cable.
 - (2) All commercial electrical installations shall be installed in approved conduits or moldings. Where electrical metallic tubing (thin wall) is installed in concrete slabs, it shall be installed above the vapor barrier.
 - (3) On all power and branch systems whose voltage exceeds **six hundred (600) volts** phase-to-phase, the installation shall incorporate one or more of the following:
 - (a) Threaded rigid metal conduit (in exterior wet locations).
 - (b) Rigid non-metallic conduit encased within a **three (3) inch** concrete envelope.
 - (c) Specialty systems approved by the inspecting authority.
 - (d) Electrical metallic tubing in interior dry locations.
 - (4) **Control Circuiting.** All fire alarm wiring installed in exposed area shall be installed in an approved raceway system.
 - (5) All underwater swimming pool lighting and wiring and all lighting or wiring within **five (5) feet** of the swimming pool or water line shall be served with a source not exceeding **twenty-four (24) volts**.
- (B) **Exclusions.** The use of aluminum and copper clad aluminum conductors are not permitted within the City.
- (C) **Administration.** All fees provided herein shall be made payable to the City and paid to the City Clerk.

6-1-4 INTERNATIONAL FIRE PREVENTION CODE ADOPTION. “The 2006 International Fire Code” as published by the International Code Council, Inc., including accumulative supplements thereto as amended from time to time, be and is hereby adopted, to be administered and enforced by the Fire Districts providing fire protection within the City limits.

6-1-5 ENERGY CONSERVATION CODE. “International Energy Conservation Code 2006”, as published by International Code Council Inc. including accumulative supplements thereto as amended from time to time, be and is hereby adopted as the Energy Conservation Code for the City regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to use or maintenance of the building envelope, mechanical lighting and power systems in commercial buildings in the City; and each and all of the regulations, provisions, penalties, conditions and terms of the International Energy Conservation Code, 2006 edition, and accumulative supplements thereto or hereby referred to adopted and made part hereof as if fully set out in this Code with any additions, insertions, deletions and changes thereto described as follows. The following buildings shall be exempt from the Code:

- (A) Buildings otherwise exempt from provisions of a locally adopted Building Code and buildings that do not contain a conditioned space.
- (B) Buildings that do not use either electricity or fossil fuel for comfort conditioning. For purposes of determining whether this exemption applies a building will be presumed to be heated by electricity even in the absence of equipment used for electric comfort heating, whenever the building is provided with electrical service in excess of 100 amps, unless the Code Enforcement Official determines that this electrical service is necessary for purposes other than providing electric comfort heating.

(C) **Historic Buildings.** This exemption shall apply to those buildings that are listed on the National Register of Historic Places or the Illinois Register of Historic Places and to those buildings that have been designated as historically significant by a local governing body that is authorized to make such designations.

(D) Residential buildings.

(E) Other buildings specified as exempt by the International Energy Conservation Code.

6-1-6 INTERNATIONAL EXISTING BUILDING CODE. "2006 International Existing Building Code", as published by International Code Council, Inc., including accumulative supplements thereto as amended from time to time, be and is hereby adopted as the Existing Building Code for the City, for regulating and governing the repair, alteration, change or occupancy, addition and relocation of existing buildings, as herein provided; providing for the issuance of permits and each and all of the regulations, provisions, penalties, conditions and terms of said Existing Building Code and hereby referred to, adopted and made a part hereof as if fully set out in this Code.

6-1-7 INTERNATIONAL MECHANICAL CODE. "2006 International Mechanical Code", as published by International Code Council, Inc., be and is hereby adopted as the Mechanical Code for the City, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; providing for the issuance of permits, and each and all of the regulations, provisions, penalties, conditions and terms of said Mechanical Code are hereby referred to, adopted and made a part hereof as if fully set out in this Code.

6-1-8 PROPERTY MAINTENANCE CODE ADOPTED. The International Property Maintenance Code 2009 is amended and revised in the following respects:

(A) Section 101.1. City of Mt. Sterling.

(B) Section 102.3 is deleted in its entirety and a new Section 102.3 is inserted as follows:

102.3

(1) **Application of Other Building, Construction Codes.**

(a) Any repairs or alterations to a structure or changes of use therein, which may be caused directly or indirectly by the enforcement of this Code shall be done in accordance with the procedures and provisions of the Building Code now in existence.

(b) Any repair, alteration, or replacement of structural elements of a building, which may be repaired by the provisions of these guidelines, shall be done in accordance with the applicable sections of the Building Code, Electrical Code, Plumbing Code or other applicable code or ordinance of this jurisdiction.

(2) **Zoning Code.** The provisions of these guidelines shall not permit the abridgement or violation of the Zoning Code of this Municipality, if any.

(3) **Conflicts.** Specific provisions of these guidelines indicate their precedence over the requirements of other related codes and ordinances. Where specific precedence is not indicated, the requirements of the most restrictive code or ordinance prevail.

(C) Section 103 is deleted in its entirety and a new Section 103 is inserted as follows:

103 **Code Official Duties and Powers of Code Official.** The Code relative to the maintenance of structures and premises, except as may otherwise be specifically provided for by other regulations.

- (1) **Notices and Orders.** The Code Official shall issue all necessary written notices and orders to abate illegal or unsafe conditions to ensure compliance with the Code requirements for the safety, health and general welfare of the public.
- (2) **Coordination of Enforcement.** Inspection of premises, the issuance of written notices and orders and enforcement thereof shall be the responsibility of the Code officials so charged by the City. Whenever, in the opinion of a Code Official initiating an inspection under this Code, it is deemed necessary or desirable to have inspections by any other department, the Official shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued. A department shall not, however, delay the issuance of any emergency order which it determines must be ordered.

(D) follows:

Section 104.4 is deleted in its entirety and a new Section 104.4 is inserted as

104.4 **Right of Entry.** If any owner, occupant or other person in charge of a structure subject to the provisions of this Code refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to any part of the structure where inspection authorized by this Code is sought, the administrative authority may seek, in a court of competent jurisdiction, an order that such owner, occupant, or other person in charge cease and desist with such interference.

- (1) **Access of Owner or Operator.** Every occupant of a nonresidential structure or premises shall give the owner or operator thereof, or agent or employee, access to any part of such structure or its premises, at reasonable times for the purpose of making such inspections as are necessary to comply with the provisions of this Code.
- (2) **Credentials.** The Code Official or the Code Official's authorized representative shall disclose proper credentials of their respective office for the purpose of inspecting any and all buildings and premises in the performance of duties under this Code.

(E) Section 302.4. Insert: 8 inches (200 mm).

(F) Section 303.14. Insert: April 15 to October 15.

(1) 304.18.1 Deleted.

(G) Section 602.3. Insert: October 1 to May 15.

(H) **Occupancy Permit Required.**

- (1) Hereinafter, upon change of occupants, no residential or non-residential property shall be occupied or used until an occupancy permit shall have been issued by the Code Official stating that the premises complies with the provisions of this Code.
 - (a) **Amend Section 404.5 as follows.** Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5 from the 2003 Code.
- (2) Multiple-family complexes having **fifty (50)** or more units and contractual maintenance service or maintenance staff available **twenty-four (24) hours** a day, shall be inspected on a quarterly basis. A selected number of vacant units shall be inspected, upon City's request, once per quarter. A yearly inspection shall be conducted of all common and mechanical areas.
- (3) The fee for the initial occupancy permit shall be **Fifty Dollars (\$50.00)** for each dwelling unit occupied and **Ten Dollars (\$10.00)** for re-issuance during the **twelve (12) months** after the date of the inspection certificate. 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 written permit **three (3) days** after the department is open.

- (4) Multiple-family complexes as identified in **Section 6-1-8(H)(2)** shall pay **Fifty Dollars (\$50.00)** per dwelling unit inspected, at the time of inspection, and **Two Hundred Dollars (\$200.00)** for the annual inspection.

(I) **Inspection Required.** An annual inspection shall be required on the following non-residential structures or premises:

- (1) All structures in the R1 Use Group as defined in the International Building Code; i.e., hotels, motels;
- (2) Any structures within an Assembly Use as defined in the International Building Code, which, in the determination of the Code Official, presents a potential public safety hazard to occupants.
- (3) Any structure in H (Hazardous) Use Group as defined by the International Building Code.

(J) **Application Dwelling Unit.** It shall be unlawful for any person to knowingly make any false statements on an application for an occupancy permit as to the names, relationships, number of occupants or use of the dwelling unit.

(K) **Action on an Application.** The Code Official shall examine, or cause to be examined, all applications for permits within a reasonable time after filing. He shall cause the premises to be inspected within **seven (7) working days** after filing. If premises are not inspected within the **seven (7) working days**, then the Permit and Certificate of Compliance shall be automatically issued without an inspection. If the premises are not in compliance with this Code and all laws and ordinances applicable thereto, the Code Official shall provide the applicant with a list of defects that are not in compliance. Said defects shall be listed with as much specificity as possible. The owner or occupant of every dwelling unit and its premises will give the Code Official free of access thereto, at a reasonable time, for the purpose of such inspection.

There shall be no fee for the original inspection, or the first re-inspection, if necessary. A re-inspection shall be made within **seven (7) working days**, from receipt of the written request, if not then the Permit and Certificate of Compliance shall be automatically issued without a re-inspection. If specific defects are found in the original inspection, the Code Official shall not require additional defects to be corrected that were discovered on a re-inspection unless the new defects occurred after the original inspection. There shall be a fee of **Fifty Dollars (\$50.00)** for every re-inspection after the first one.

(L) **Issuance of Permit.** If all the fees are paid and the Code Official is satisfied that the premises and its occupancy are in compliance with this Code and all laws and ordinances applicable thereto, the Code Official shall issue the occupancy permit as soon as practicable.

(M) **Conditional Permit.** Occupancy shall be permitted on a conditional basis when in the judgment of the Code Official practical difficulties interfere with the completing all repairs required to bring the premises into full compliance with this Code prior to permitting occupancy. However, no conditional permit shall be issued where there is no condition on the premises which can threaten the health or safety of an occupant. No conditional permit shall be issued under the provisions of this Code for 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.

(N) **Rejection of Application.** If the application does not comply with the requirements of all pertinent laws, the Code Officials shall reject such application in writing, stating the reasons, therefore.

(O) **Suspension of Permit.** Any permit issued shall become invalid if the occupancy is not commenced within **six (6) months** after issuance of a permit.

(P) **Revocation of Permit.** The Code Official 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.

(Q) **Existing Occupancies.** The provisions of **Section 6-1-2(H)** shall not apply to any residential or non-residential occupancy in existence at the time this Chapter takes effect, unless there is a change in the occupancy of any person after said date, or complaint filed.

(R) **Fast Track Demolition.** The City may use the provisions of this Section to expedite the removal of certain buildings that are continuing hazard to the community in which they are located.

If a residential or commercial building is **three (3) stories** or less in height as defined by the City's Building Code, and the Corporate Official designated to be in charge of enforcing the City's Building Code determines that the building is open and vacant and an immediate and continuing hazard to the community in which the building is located, then the official shall be authorized to post a notice not less than **two (2) feet** by **two (2) feet** in size on the front of the building. The notice shall be dated as of the date of the posting and shall state that unless the building is demolished, repaired, or enclosed, and unless any garbage, debris, and other hazardous, noxious or unhealthy substances or materials are removed so that an immediate and continuing hazard to the community no longer exists, then the building may be demolished, repaired or enclosed or any garbage, debris and other hazardous, noxious or unhealthy substances or materials may be removed, by the City.

Not later than **thirty (30) days** following the posting of the notice the City shall do both of the following:

- (1) Cause to be sent, by certified mail, return receipt requested, a notice to all owners of record of the property, the beneficial owners of any Illinois land trust having title to the property, and all lienholders of record in the property, stating the intent of the City to demolish, repair or enclose the building or remove any garbage, debris or other hazardous, noxious or unhealthy substances or materials if that action is not taken by the owner or owners.
- (2) Cause to be published, in a newspaper published or circulated in the City where the building is located a notice setting forth:
 - (a) the permanent Tax Index Number and the address of the building;
 - (b) a statement that the property is open and vacant any constitutes an immediate and continuing hazard to the community; and
 - (c) a statement that the City intends to demolish, repair or enclose the building or remove any garbage, debris or other hazardous, noxious or unhealthy substances or materials if the owners or lienholders of record fail to do so.

This notice shall be published for **three (3) consecutive days**.

A person objecting to the proposed actions of the corporate authorities may file his or her objection in an appropriate form in a court of competent jurisdiction.

If the building is not demolished, repaired or enclosed or the garbage, debris or other hazardous, noxious or unhealthy substances or materials are not removed within **thirty (30) days** of mailing the notice to the owners of record, the beneficial owners of any Illinois Land Trust having title to the property and all lienholders of record in the property, or within **thirty (30) days** of the last day of publication of the notice, whichever is later, the corporate authorities shall have the powers to demolish, repair or enclose the building or to remove any garbage, debris or other hazardous, noxious or unhealthy substances or materials.

The City may proceed to demolish, repair or enclose a building or remove any garbage, debris or other hazardous, noxious or unhealthy substances or materials under this Section within a **one hundred twenty (120) day period** following the date of the mailing of the notice if the appropriate official determines that demolition, repair, enclosure or removal of any garbage, debris or other hazardous, noxious or unhealthy substances or materials is necessary to remedy the immediate and continuing hazard. If, however, before the City proceeds with any of the actions authorized by this Section, any person has sought a hearing under this Section before a court and has served a copy of the complaint on the Chief Executive Officer of the City, then the City shall not proceed with the demolition, repair, enclosure or removal of garbage or debris or other substances until the court determines that the action is necessary to remedy the hazard and issue an order authorizing the City to do so.

Following the demolition, repair or enclosure of a building or the removal of garbage, debris or other hazardous or noxious or unhealthy substances or materials under this Section, the City may file a notice of lien against the real estate for the cost of the demolition, repair, enclosure or removal within **one hundred eighty (180) days** after the repair, demolition, enclosure or removal occurred for the cost and expense incurred in the office of the Recorder in the County in which the real estate is located or in the office of the Registrar of Titles of the County if the real estate affected is registered under the Registered Titles (Torrens) Act. The notice of a lien shall consist of a sworn statement setting forth (i) a description of the real estate, such as the address or other description of the property, sufficient for its identification; (ii) the expenses incurred by the City in undertaking the remedial actions authorized under this Section; (iii) the date or dates the expenses were incurred by the City; (iv) a statement by the corporate official responsible for enforcing the Building Code that the building was open and vacant and constituted an immediate and continuing hazard to the community; (v) a statement by the Corporate Official that the required sign was posted on the building, that notice was sent by Certified Mail to the owners of record, and that notice was published in accordance with this Section; and (vi) a statement as to when and where the notice was published.

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.

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 times 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.

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.

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 **One Hundred Dollars (\$100.00)**, nor more than **Seven Hundred Fifty Dollars (\$750.00)**. 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 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.

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 or Alley cut for water/sewer service	150.00
*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 inspection fee. **(Ord. No. 2021-19; 06-21-21)**

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.

(See Section 1-1-20 – Penalty)

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.

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.

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 1-1-20** of the Revised Code, and such person shall be deemed guilty of a separate offense for each day on which violation shall continue.

ARTICLE VII – BUILDING OPERATIONS

6-7-1 **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 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.

6-7-2 **NIGHT OPERATIONS.** No construction or alteration operations shall be carried on at nighttime if the same are accompanied by loud noises.

6-7-3 **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.

6-7-4 **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 **Twenty Dollars (\$20.00)** 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 **Twenty Dollars (\$20.00)** 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 **Twenty Dollars (\$20.00)** for a **one (1) story** structure and **Forty Dollars (\$40.00)** 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.

(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.