

**Agenda**  
**Glen Ellyn Village Board of Trustees**  
**Monday, August 23, 2010**  
**8:00 p.m. – Galligan Board Room**

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Village Recognition
  - A. Police Chief Norton received a note of thanks from the recipient of the Robert Madden Memorial Scholarship, stating that the scholarship was much appreciated and will be used wisely at Illinois Wesleyan University this year.
  - B. A motorist developed a flat tire at Highway I-355 and Roosevelt Road a few weeks ago, and Sergeant Brian Beck offered timely assistance. The motorist sent a note of thanks to Sergeant Beck in appreciation for his help.
  - C. We received a letter dated July 13 from the property manager of a nearby facility complimenting Police Officer Joe Nemchock for doing a great job every day, and for the way he interacts and serves the people in his district in a manner that improves safety and the overall quality of life.
  - D. Circuit Judge Perry Thompson of the Circuit Court of the 18<sup>th</sup> Judicial Circuit in DuPage County sent a letter to Police Chief Norton informing him of his upcoming retirement, and forwarding his thanks to Chief Norton and his staff for their courtesy, cooperation and professionalism.
  - E. Police Chief Robert Jones of Gurnee sent a letter of thanks to Police Officer Stephen Miko for his assistance in the apprehension of a suspect in a recent investigation, brought about as a result of collaboration between several police agencies.
  - F. A resident emailed the Public Works crew complimenting the crew for responding swiftly to her call of a water main break in front of her home. The job involved both day shift and evening shift personnel working for two days to complete the mission and included the following employees: Crew Leader Eric Hendrickson; Maintenance Workers Bob DeRosa, Dave Laurinaitis, John Sparagna, and Mike Zitzka; Seasonal Employees Nick Mellinger, Zack Carlstrom, and Jeff Soderberg; and Customer Service Worker Joe Rein.
  - G. A resident emailed the Public Works Department complimenting Crew Leader Eric Hendrickson and Seasonal Employee Steve Hughes for removing a parkway tree that had fallen during a recent storm.

- H. Summer Seasonals Jeff Soderberg and Nick Mellinger were complimented by a resident for the thorough job they did in mowing the right-of-way on Center Street.
  - I. A resident emailed the Village complimenting Maintenance Worker Stephanie Chandler for the thorough way she sweeps the street; he appreciated the fact that she would even do a second pass if needed.
  - J. A resident called to express her thanks and appreciation to Village Forester Peggy Drescher for examining her parkway tree for carpenter ants.
  - K. The Public Works Department received an email message from a resident thanking them for fixing the sewer grate in front of his home and for trimming his parkway tree.
5. Audience Participation
- A. Proclamation recognizing Alan Lanning for his statue donation at Midway Park.  
(Page 5)
6. Consent Agenda (Pages 6 – 24)

The following items are considered routine business by the Village Board and will be approved in a single vote in the form listed below: *(Trustee Comerford)*

- A. Village Board Meeting Minutes:
  - 1. August 9, 2010 Workshop
  - 2. August 9, 2010 Regular Meeting
- B. Total Expenditures (Payroll and Vouchers) - \$1,271,252.95.

The vouchers have been reviewed by Trustee Comerford prior to this meeting.

- C. Motion to waive Sections 10-4-14(B)17 and 10-5-5(B)4-35 (Special Use for Outdoor Sales, Storage, Tents, Promotional Activities and Events), and Section 10-5-11-N (All Business, Merchandise and Display to be Conducted Entirely within an Enclosed Building) of the Zoning Code and Sections 4-5-7 (Prohibiting Attention-Getting Devices), 3-2-12 (Carnivals), 6-3-2 (Dangerous Animals) and 6-3-8 (Prohibited Animals) of the Village Code in order to permit the Glen Ellyn Historical Society to host the 2010 Tavern Day event. *(Assistant to the Village Manager Schrader)*
- D. Motion to waive Section 6-2-2.5 (Unnecessary Noises) of the Village Code and to approve the request of St. Petronille Parish to host the 11<sup>th</sup> Annual 5K Run/Walk Event on Monday, September 6, 2010 between the hours of 8:00 a.m. and 10:00 a.m. in Glen Ellyn to benefit the Youth Ministry. *(Assistant to the Village Manager Schrader)*
- E. Motion to waive Section 10-4-8(B) of the Glen Ellyn Zoning Code to permit St. Mark's Episcopal Church to conduct their annual pumpkin patch at 393 N. Main Street between October 9 and October 31, 2010. *(Assistant to the Village Manager Schrader)*

- F. Motion to approve award of a construction contract to Lifco Construction for the Roslyn & Scott Sanitary Sewer Extension Project in the amount of \$21,000 (including 10% contingency), to be expensed to the FY 10 – 11 Sanitary Sewer Fund. *(Public Works Director Caracci)*
- G. Resolution No. 10-15, a Resolution of Support for the Philip J. Rock Center and School and Urging the State of Illinois to Continue to Fund The Philip J. Rock Center and School. *(Village Manager Jones)*
- 7. Ordinance No. 5881, an Ordinance Approving a Variation from the Side Yard Setback Requirements of the Zoning Code to allow an Addition to the Existing Home for Property at 289 Illinois Street. *(Trustee Ladesic)* **(Pages 25 – 37)**

Planning and Development Director Staci Hulseberg will present information on a request by Steven and Laverne Street, who are requesting a variation from the Glen Ellyn Zoning Code to allow a side yard setback of 5.3 feet in lieu of the minimum required side yard setback of 6.5 feet.

- 8. Planning and Development Director Staci Hulseberg will present information on the proposed adoption of two new codes, a property maintenance code and a life safety code. A property maintenance code contains provisions that govern the conditions on existing properties and the condition of existing buildings and structures such as the hazards to the safety and health of occupants from building collapse, fire, accidents and other risks. A life safety code contains provisions that govern the conditions in new and existing buildings and structures such as requirements to provide fire protection, emergency escape, and fire protective building features and systems. *(Trustee Henninger)*  
**(Pages 38 – 134)**
- A. Ordinance No. 5882-VC, an Ordinance Amending Chapter 1 of Title 4 (Building Regulations) of the Village Code of the Village of Glen Ellyn, Illinois Adopting the 2009 International Property Maintenance Code with Local Amendments.
- B. Ordinance No. 5883-VC, an Ordinance Amending Chapter 2 of Title 5 (Fire Regulations) of the Village Code of the Village of Glen Ellyn, Illinois Adopting the 2009 Life Safety Code with Local Amendments.
- 9. Motion to approve a professional services agreement with Kenig, Lindgren, O'Hara, Aboona, Inc. of Rosemont, IL to conduct a traffic study for the Central Business District of the Village of Glen Ellyn in a not-to-exceed amount of \$43,500 (including a 10% contingency), to be expensed to the FY 10-11 Special Programs Fund. *(Trustee Hartweg)*  
**(Pages 135 – 168)**

Professional Engineer Bob Minix will present a recommendation to retain the consulting firm of Kenig, Lindgren, O'Hara, Aboona, Inc. to perform a traffic study in the CBD as recommended in the recently approved Downtown Strategic Plan (DSP). The firm will assess traffic patterns and parking in the CBD to determine the impacts of changing existing one-way streets to two-way and implementing other features recommended in the DSP.

10. Resolution No. 10-16, a Resolution adopting an Intergovernmental Agreement with the Village of Lombard regarding the reconstruction of the Hill Avenue Bridge. *(Trustee Henninger)*

Village Manager Steve Jones will present information regarding a resolution approving the adoption of an intergovernmental agreement between the Villages of Glen Ellyn and Lombard for the reconstruction of the Hill Avenue Bridge.  
*(Awaiting Village Attorney information – will be pulled from agenda if information not received by Friday.)*

11. Resolution No. 10-17, a Resolution for COD agreement.  
*(Awaiting Village Attorney information)*

12. Reminders:

- The next Regular Village Board Meeting is scheduled for Monday, September 13, 2010 with a Workshop beginning at 7 p.m. and the Regular Board Meeting beginning at 8 p.m., in the Galligan Board Room of the Glen Ellyn Civic Center.

13. Other Business?

14. Motion to adjourn to Executive Session for purposes of discussing the release and hold of Executive Session minutes and the purchase or lease of real property, adjourning thereafter without returning to open session. *(Trustee Ladesic)*

15. Press Conference



A-5

## VILLAGE OF GLEN ELLYN

# Proclamation

**WHEREAS**, the residents of Midway Park recognize and appreciate the uniqueness and beauty of the 30-foot wide parkway which runs down the middle of their block-long street; and

**WHEREAS**, they have cooperatively maintained the trees, the landscaping, and the two original gas street lamps that adorn the parkway, making a special effort to protect their oak trees; and

**WHEREAS**, Alan Lanning saw a bronze statue entitled *Boy and Girl Leapfrog* which he felt would be appropriate for placement on the parkway and led the effort to secure the approval of the Midway Park residents, the Architectural Review Commission, and the Glen Ellyn Park District; and

**WHEREAS**, Alan paid the total cost of the statue and its placement on the parkway, donating it to all the kids who grew up on Midway Park;

**NOW, THEREFORE**, I, MARK PFEFFERMAN, President of the Village of Glen Ellyn, Illinois, do hereby recognize the accomplishments and dedicated service of Alan Lanning and the residents of Midway Park which will benefit both present and future generations, and convey the congratulations and appreciation of the Village Board and the residents of Glen Ellyn.



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*Village President*  
attest:

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*Village Clerk*

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*Date*

A-6A,

**Minutes  
Regular Village Board Workshop  
Glen Ellyn Village Board of Trustees  
August 9, 2010**

Time of Meeting: 7:00 P.M.

Present: President Pfefferman; Trustees Hartweg, Comerford, Ladesic, Cooper, Thorsell, Henninger; Village Clerk Connors. Village Attorney Diamond.  
Staff present: Assistant to the Village Manager Schrader, Hulseberg, Caracci, Norton.

**1. Call to Order**

President Pfefferman called the Board Workshop to order at 7:00 P.M. with a roll call. Trustees Thorsell, Comerford, Cooper, Ladesic, Hartweg, and Henninger responded "Here."

**2. Adjournment**

At 7:02 p.m., Trustee Ladesic moved, seconded by Trustee Comerford to adjourn to Executive Session in Room 301 for the purposes of discussing of pending litigation, adjourning thereafter to the 8:00 p.m. Regular Village Board Meeting in the Galligan Board Room. Trustees Ladesic, Comerford, Hartweg, Cooper, Thorsell, and Henninger voted "aye."

Submitted by:

Suzanne R. Connors,  
Village Clerk

A-6A<sub>2</sub>

**Minutes  
Regular Meeting  
Glen Ellyn Village Board of Trustees  
August 9, 2010**

**Call to Order**

Village President Pfefferman called the meeting to order at 8 p.m.

**Roll Call**

Upon roll call by Village Clerk Connors, Village President Pfefferman and Trustees Comerford, Cooper, Hartweg, Henninger, Ladesic and Thorsell answered, "Present."

**Pledge of Allegiance**

The Pledge of Allegiance was led by Dave Perozzi representing the Alliance Against Intoxicated Motorists. He explained the object of the organization to assist the victims and their families of drunk driver crashes both emotionally and financially. He also presented the Pride Award to the Glen Ellyn Police Department. The award is presented to the police department in DuPage County with the highest percent increase of DUI arrests. The Glen Ellyn Police Department had a 46% increase from 2008 to 2009 (104 arrests in 2008 and 152 arrests in 2009).

**Village Recognition**

- a. July 22 letter from a Kenilworth Avenue resident complimenting Kramer Tree Service for brush and branch collection beyond expectations.
- b. July 21 email from a resident complimenting and thanking the Village for the beautiful flowers planted in the downtown.
- c. A local real estate broker contacted the Village to compliment the Cashier's Office staff on their competent approach to conducting Village business.
- d. The Village Board and Management Team congratulated Public Works Department team member Steven Tavalacci who recently celebrated 15 years of working for the Village.
- e. The Village Board accepted the resignation of Alexander R. Cooper as a Student Commissioner on the Historic Preservation Commission and thanked him for his service to the Village.

- f. The Village Board accepted the resignation of Julia Kinsey as a Student Commissioner on the Environmental Commission and thanked her for her service to the Village.

President Pfefferman mentioned that the addition of student commissioners was something that was put in place about 20 years ago encouraging high school students to serve on various Village commissions. It has worked very well for the Village. If anyone is interested in serving, applications are being accepted through the end of this week.

### **Audience Participation**

Resident Craig Chinchilla, who lives on Bryant Avenue, spoke concerning the Bryant Avenue/Thain's Addition Improvements Project. He was present to address the Village Board concerning the lowering of the street in front of his home as well as the change of his driveway approach. He was concerned that the area in front of his house is now the lowest area on the block and that the leaves from the Prairie Path across the street will clog the storm sewer drains. He also was unhappy about having two man holes in front of his home and the potential damage to a mature tree when the parkway was cut back. He asked if the Village checked sump pump for their connection to the sewer system and was told that when homes are sold, connections are checked before transfer stamps are issued. Public Works Director Caracci explained the frequency of leaf street cleaning, and sewer and catch basin cleaning.

### **Consent Agenda**

Assistant to the Village Manager Schrader presented the Consent Agenda; Village President Pfefferman called for questions and/or discussion on the items on the Consent Agenda.

Trustee Thorsell moved and Trustee Cooper seconded the motion that the following items included on the Consent Agenda be approved:

- a. **Minutes** of the following Village Board Meetings:
  - Workshop Meetings
  - July 19, 2010
  - July 26, 2010
  
  - Regular Meeting
  - July 26, 2010 as amended to show that Trustee Thorsell also voted "nay" concerning approval of the license agreement for 196 Brandon Avenue. The final vote was 4 "aye," and 2 "nay."
- b. **Total Expenditures** (Payroll and Vouchers) - \$1,157,888.61.  
The vouchers were reviewed by Trustee Thorsell prior to the meeting.

- c. **Executive session minutes** which are not ready to be released:

April 12, 2010	April 19, 2010	April 26, 2010	May 10, 2010
June 14, 2010	June 21, 2010	June 28, 2010	July 12, 2010

- d. Waive Section 10-4-17.2(B)25 of the Glen Ellyn Zoning Code to authorize a special event with live music where this type of event/use is neither a permitted nor special use in the C5B Central Service Sub-District in order to allow Keller Williams Premiere Properties to hold their **Oktoberfest** event on Friday, October 1, 2010 at 462 Park Boulevard between 7 p.m. and 11 p.m.
- e. Amendment No. 1 to the engineering services agreement for **Lake Ellyn Outlet Channel Rehabilitation**.
1. Increase the appropriation for engineering services associated with the design of the Lake Ellyn Outlet Channel Rehabilitation Project provided by Burns & McDonnell in the amount of \$6,000, for a revised total appropriation of \$18,500, to be expensed to the FY 10-11 Capital Projects Fund.
  2. Amendment No. 1 to the services agreement with Burns & McDonnell for the Lake Ellyn Outlet Channel Rehabilitation Project for additional design engineering expenses in the amount of \$6,000 resulting in a total not-to-exceed fee of \$17,000 for the work.

Public Works Director Caracci explained the funds were for the repair of an old retaining wall of a down stream channel from Lake Ellyn to Perry's Pond. Part of the retaining wall has fallen into the channel. While working on the Riford Road project the Village can repair the wall which will stabilize it along the channel. It has nothing to do with the flow of water – only with the discharge pipe of Lake Ellyn to Perry's Pond. It does not relate to past flooding issues.

Upon roll call on the Consent Agenda, Trustees Thorsell, Cooper, Comerford, Hartweg, Henninger and Ladesic voted "Aye". Motion carried.

### **2010 Skip Paving Program**

Trustee Thorsell moved and Trustee Hartweg seconded the motion to approve a construction contract with Orange Crush for the 2010 Skip Paving Program in the not-to-exceed amount of \$71,500, to be expensed to the FY 10-11 Capital Projects Fund.

Public Works Director Joe Caracci presented information on the Village's Skip Paving Program which is an annual program that focuses to extend the life of the Village roadways in a cost-effective way to reduce the amount of required pothole patching until their time for full-scale resurfacing or reconstruction is due. Bids for the work were opened on July 28, 2010. Orange Crush was the low bidder at \$83,000. The budget for FY2011 was \$80,000 which was to include consultant engineering at last year's prices.

FY2011 was \$80,000 which was to include consultant engineering at last year's prices. Orange Crush agreed to honor their lower yardage pricing even if the Village reduced the scope of work. Two locations were eliminated for a total of 4,250 sq. yds. The final list of streets to be included in the program were shown. The work can commence in 3-4 weeks from Village Board approval.

The first Motion was not voted upon.

Trustee Thorsell moved and Trustee Hartweg seconded a new Motion to reject all bids and approve a construction contract with the reduced cost with Orange Crush for the 2010 Skip Paving Program in a not-to-exceed amount of \$71,500, to be expensed to the FY10-11 Capital Projects Fund.

Upon roll call, Trustees Thorsell, Hartweg, Comerford, Cooper, Henninger and Ladesic voted "Aye." Motion carried.

### **Carson & Barnes Circus – Maryknoll Park**

Trustee Comerford moved and Trustee Ladesic seconded the motion to approve a special use permit to allow the Carson & Barnes Circus to hold a one-ring circus event at Maryknoll Park on August 16 and 17, 2010.

Planning and Development Director Staci Hulseberg presented information on a request from the Glen Ellyn Park District to sponsor a circus at Maryknoll Park on August 16 and 17, 2010. The circus will be conducted by Carson & Barnes. Special promotions and tents must apply for a special use permit. The Park District previously held this circus in 2005.

Mary Defigilla, Assistant Superintendent for Glen Ellyn Park District Recreation, answered questions about the plans for the circus, including animal treatment. The Park District has a certified document that there is no mistreatment of circus animals during the last 12 months. The Monday performance will be for a specific organization and Tuesday will be open to the public.

Upon roll call, Trustees Comerford, Ladesic, Cooper, Hartweg, Henninger and Thorsell voted "Aye." Motion carried.

### **Reminder**

- The next Regular Village Board Workshop meeting of the Glen Ellyn Village Board is scheduled for Monday, August 16, 2010 beginning at 7 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.
- The next Regular Village Board Meeting is scheduled for Monday, August 23, 2010 with a Workshop beginning at 7 p.m. and the Regular Board Meeting beginning at 8 p.m. in the Galligan Board Room of the Glen Ellyn Civic Center.

## **Other Business**

In response to an inquiry about the concert for the Glen Ellyn Historical Society, Assistant to the Village Manager Schrader explained that due to the time constraint, a letter to the Village Manager giving the parameters and asking for a waiver is acceptable for a one-time event. The letter of permission has been sent.

## **Adjournment**

At 9:07 p.m., Trustee Henninger moved and Trustee Cooper seconded the motion that the Regular Meeting of the Village Board of Trustees be adjourned. All Trustees present voted "Aye." Motion carried.

Respectfully Submitted,

Suzanne R. Connors  
Village Clerk

DRAFT

A-6c



August 24, 2010

Jan Langford, Executive Director  
Glen Ellyn Historical Society  
P.O. Box 283  
Glen Ellyn, IL 60138

RE: 2010 Historical Society Tavern Day

Dear Ms. Langford:

This letter is to confirm action taken at the Village Board Meeting on Monday, August 23, 2010, regarding the Glen Ellyn Historical Society's 2010 Tavern Day, scheduled for Sunday, September 26, 2010, as described in the Historical Society's attached letter of July 22, 2010. The Village Board approved your requests and also temporarily waived Section 10-4-14(B)17 for the C2 Commercial District and 10-5-5(B)4-35 for the R2 Residential District of the Code concerning a special use for outdoor sales, storage, tents, promotional activities and events. Additionally waived was Section 10-5-11-N requiring all business, merchandise, and display to be conducted entirely within an enclosed building and Section 4-5-7 prohibiting attention-getting devices. Furthermore, the Village Board waived Section 3-2-12 (Carnivals) as well as the required carnival fee of \$37.50.

The formal approval by the Village Board also provides for the following:

1. Approval for the event to occur on Sunday, September 26, 2010 from 1:00 p.m. to 4:30 p.m. at Stacy's Tavern Museum and History Center.
2. Sales of non-alcoholic drinks and food will be allowed at Stacy's Tavern Museum and History Center between 1:00 p.m. and 4:30 p.m. on Sunday, September 26, 2010 only after approval by the DuPage County Health Department.
3. Sections 6-3-2 (Dangerous Animals) and 6-3-8 (Prohibited Animals) of the Village Code have been waived for the length of the event.
4. The Historical Society must provide portable toilets in the number of one for every 50 people for the length of the event.
5. Extra refuse/recycling receptacles will be placed by the Public Works Department at Stacy's Tavern Museum and History Center. The Historical Society should designate the containers as either for refuse or recycling, plastic bags provided by the Historical Society should be used to line the containers and they should be emptied by the Society as necessary throughout the event. The Historical Society should contact Allied Waste

directly at 630-469-1036 to make arrangements for a refuse/recycling pickup following the event. All additionally placed trash/recycling receptacles must be turned upside down once the event has ended so that the containers are not used prior to pickup by the Public Works Department.

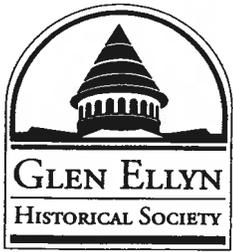
6. The use of free-standing tents will be allowed under the following conditions: they are a minimum of 10 feet from any building, have protective covers on tent anchors, have no cooking equipment within them, comply with all applicable building regulations and are inspected by the Planning and Development Department Building Inspector prior to the event. Please contact the Planning and Development Department at 630-547-5250 to arrange for an inspection prior to the event. The cost for the inspection will be \$50.
7. A list of contact names and cell phone numbers of those responsible for the event must be included as well as a map of the grounds indicating the location of the following: food/drink sale, restroom facilities (location and number), parking, animal areas and any other facilities associated with the event.
8. Evidence of insurance from the Glen Ellyn Historical Society in the amount of \$2 million listing the Village as additionally insured must be presented to Assistant to the Village Manager – HR Danamarie Izzo by Tuesday, September 7, 2010.

Copies of your letter, together with this reply, are being furnished to appropriate staff members so that necessary arrangements can be made to carry out the requests of your organization. If you have any questions, please contact the appropriate Village personnel.

Sincerely,

Steve Jones  
Village Manager

cc: Staci Hulseberg, Planning and Development Director  
Phil Norton, Police Chief  
Dave Buckley, Assistant Public Works Director  
Danamarie Izzo, Assistant to the Village Manager – HR  
Patti Underhill, Administrative Services Coordinator



July 22, 2010

Ms. Kristen Schrader, Administrative Analyst  
Village of Glen Ellyn  
535 Duane Street  
Glen Ellyn, IL 60137

Dear Ms. Schrader:

The Glen Ellyn Historical Society is formulating plans for its annual "Tavern Day" event, to be held Sunday, September 26, 2010 at Stacy's Tavern Museum and the History Center, from 1:00 until 4:30 p.m.

Plans include an old-fashioned Barn Dance, which will be held inside the History Center, a storyteller, puppeteer, historical demonstrations and activities, and a bake sale. Historical demonstrations will include rug braiding, weaving, spinning, quilting, tatting, and other crafts. Children will be able to participate in pioneer-era games and activities, including stilts, tops, and hoops. Period crafts will include acorn cap noisemakers, clothespin dolls, and buzz-saw toys. An exhibit of farm tools and activities such as log-sawing and rope-making will also be featured.

The Society would also like to include an exhibit of live animals, and a blacksmithing demonstration by Klein Creek Farm staff. The event will help raise awareness and funds for the Historical Society educational programs.

The attached information explains aspects of the event which may require Village permission, regulation, or control. We thank the Village Board and staff for the tremendous cooperation and support shown for the Glen Ellyn Historical Society. We appreciate your time spent in reviewing the enclosed materials. Society representatives would be pleased to attend a future Village Board meeting to present our proposal for the Tavern Day event.

Very truly yours,

  
Jan Langford  
Executive Director

**Glen Ellyn Historical Society Education Committee**  
**TAVERN DAY PROPOSAL**

**Date:** Sunday, September 26, 2010  
**Time:** 1:00-4:30 p.m.  
**Location:** Stacy's Tavern Museum and grounds, History Center, Garage

- **Barn Dance, Concert and Demonstration of Antique Instruments**  
A group called "Common Taters" will perform music of the 1840's-1860's, with dance instruction and hands-on demonstration of old fashioned instruments.
- **Live animals**  
The Society requests permission to bring in live animals to the museum campus. Two goats and a cow would be secured in a portable pen on the grassy area at the northeast corner of the Stacy's property. A farrier would bring his horse to demonstrate shoeing in the parking lot behind the 1900 House at 810-816 North Main Street. The areas would be secured and supervised by Society volunteers and the owners of the animals.
- **Food and beverages**  
Bake sale items will be sold, and signage posted designating ingredients and preparation in home kitchens, as required by the DuPage County Health Department. Bottled water and lemonade will also be available.
- **Historic activities and demonstrations**  
Historical demonstrations will include rug braiding, weaving, spinning, quilting, tating, and other crafts. Children will also be able to participate in pioneer-era games and activities, including stilts, tops, and hoops. An exhibit of farm tools and activities such as log-sawing, rope-making, and blacksmithing by Klein Creek Farm will also be featured.
- **Museum Tours**  
Stacy's Tavern Museum will be open for tours during the event.
- **Parking**  
Parking will be available at the History Center and on surrounding streets.
- **Clean-up**  
Volunteers will be responsible for clean-up. All food waste will be placed in covered dumpsters on the premises. The Historical Society requests that extra trash receptacles be made available by the Village Public Works Department. All animal refuse will be removed by the owners of the animals.
- **Portable Restroom Facilities**  
The Society will secure portable restroom facilities to augment facilities at Stacy's Tavern Museum and the History Center.
- **Certificate of Insurance**  
A certificate of insurance, naming the Village of Glen Ellyn as additional insured, be sent to the office of Mr. Jon Batek, Director of Finance, 30 days prior to the event.
- **Site Banners**  
The Society also requests permission to erect a banner advertising the event at the east side of the History Center. The banner would be placed two weeks prior to the event, as allowable under the parameters of the Village sign code.

DRAFT

A-6D



August 24, 2010

Paula Barnett, 5K Committee  
St. Petronille Parish  
420 Glenwood  
Glen Ellyn, IL 60137

RE: 2010 St. Petronille 5K Run/Walk

Dear Ms. Barnett:

This letter is to confirm action taken at the Village Board Meeting on Monday, August 23, 2010, regarding the 2010 St. Petronille 5k scheduled for Monday, September 6, 2010 as described in your letter of July 27, 2010. The Village Board approved your requests in order to allow the event as described below; however this event is still subject to final review by the Police. Representatives of St. Petronille Parish must meet with appropriate Police and Public Works Department staff by Wednesday, September 1, 2010 to finalize and coordinate the route and all details. The formal approval by the Village Board provides for the following:

1. Approval for the event to begin at 8:00 a.m. on Monday, September 6, 2010 and to continue to 10:00 a.m. Monday, September 6, 2010 as requested in your letter.
2. Enough qualified volunteers must be provided by St. Petronille Parish to adequately staff all intersections in the 5K route. Additionally, you may be required to pay to hire back police officers should it be deemed necessary.
3. Section 6-2-2.5 (Unnecessary Noises) has been waived for the length of the event, 8:00 a.m. to 10:00 a.m. on Monday, September 6, 2010, in order to permit St. Petronille Parish to amplify noise in the Glenwood Parking Lot in downtown Glen Ellyn.
4. St. Petronille Parish is responsible for any clean-up required following the event.
5. Please contact the Public Works Department at 630-469-6756 to coordinate the use of mobile generators should your organization have electrical needs. Also please contact the Public Works Department to coordinate the use of barricades throughout the course.
6. A certificate of insurance was provided with your request letter; however the certificate only provides \$1 million of coverage, while the Village requires \$2 million in coverage with the Village listed as additionally insured. Please provide this updated certificate of insurance to Assistant to the Village Manager - HR Danamarie Izzo no later than Wednesday, September 1, 2010.

Copies of your letter, together with this reply, are being furnished to appropriate staff members so that necessary arrangements can be made to carry out the requests of your organization. If you have any questions, please contact the appropriate Village personnel.

Sincerely,

Steve Jones  
Village Manager

cc: Staci Hulseberg, Planning and Development Director  
Phil Norton, Chief of Police  
Dave Buckley, Assistant Director of Public Works  
Danamarie Izzo, Assistant to the Village Manager – HR  
Patti Underhill, Administrative Services Coordinator

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DRAFT

August 24, 2010

A-6E



Joe Campagna  
St. Mark's Episcopal Church  
393 N. Main Street  
Glen Ellyn, IL 60137

Re: 2010 St. Mark's Pumpkin Patch

Dear Mr. Campagna:

This letter is to confirm action taken at the Village Board Meeting on Monday, August 23, 2010, regarding St. Mark's Pumpkin Patch scheduled to occur at 393 N. Main Street between Saturday, October 9, 2010 and Sunday, October 31, 2010 as described in your letter of August 5, 2010. The Village Board approved your request and temporarily waived the pertinent section of the Village Code, Section 10-4-8(B) to allow a special promotional event by a non-residential use in a Residential District which is not listed as a permitted or special use in the zoning district. The Village Board approval further allows for the following:

1. Approval for St. Mark's Episcopal Church to host their annual Pumpkin Patch at 393 N. Main Street between Saturday, October 9, 2010 and Sunday, October 31, 2010. The Pumpkin Patch may be conducted Monday through Friday, 9:00 a.m. to 8:00 p.m., Saturday, 10:00 a.m. to 6:00 p.m., and Sunday, 11:00 a.m. to 5:00 p.m.
2. St. Mark's Episcopal Church is reminded that pumpkins may not be placed in the public right-of-way, parkway or public sidewalk.
3. Further, any signage associated with the event must meet the provisions of the Sign Code.

Copies of your letter, together with this reply, are being furnished to appropriate staff members so that necessary arrangements can be made to carry out the requests of your organization. If you have any questions, please contact the appropriate Village personnel.

Sincerely,

Steve Jones  
Village Manager

cc: Staci Hulseberg, Director of Planning and Development  
Phil Norton, Police Chief  
Dave Buckley, Assistant Public Works Director  
Danamarie Izzo, Assistant to the Village Manager – HR  
Patti Underhill, Administrative Services Coordinator

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A-6F



**To:** Steve Jones, Village Manager

**From:** Joe Caracci, Public Works Director

**Date:** August 17, 2010

**Re:** Roslyn & Scott Sanitary Sewer Extension - Recommendation

### **Background**

Bob Minix provided a detailed summary at the August 16, 2010 Village Board Workshop explaining the Roslyn & Scott Sanitary Sewer situation that entails three very long PVC force mains (for 1011, 1021, and 1031 Roslyn) installed due to the presence of a large storm sewer between the homes and the sanitary sewer that did not allow for a typical gravity fed system. We believe it would be in the best interest of the Village to provide a sanitary sewer extension from a sewer south of Roslyn that would allow for an interception of the force mains effectively making them shorter and eliminating perceived flaws in the very long lines.

### **Issues**

On August 12, 2010 eight bids were received from water and sewer contractors in response to our letting notice for the Roslyn & Scott Sanitary Sewer Extension Project. Lifco Construction of Carol Stream was the low bidder on the project with a submittal of \$18,958. Lifco has not performed work in the Village of Glen Ellyn, but has received positive feedback during our reference checking. Based on these favorable references, we recommend a contract with Lifco.

### **Action Requested**

Motion to approve award of a construction contract to Lifco Construction for the Roslyn & Scott Sanitary Sewer Extension Project in the amount of \$21,000 (including 10% contingency), to be expensed to the FY 10 – 11 Sanitary Sewer Fund.

### **Recommendation**

I recommend approval of the contract.

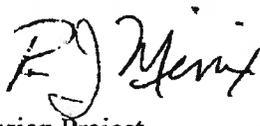
### **Attachments**

- Memorandum dated August 17, 2010 authored by Professional Engineer Bob Minix
- Memorandum dated August 3, 2010 (with attachments) authored by Professional Engineer Bob Minix

**Glen Ellyn Public Works Department**

## Interoffice Memorandum

**to:** Joe Caracci, Public Works Director

**from:** Bob Minix, Professional Engineer 

**subject:** Roslyn & Scott Sanitary Sewer Extension Project  
Report on Receipt of Contractor Bids and Recommendation

**date:** August 17, 2010

On Thursday August 12, 2010 eight bids were received from water and sewer contractors in response to our letting notice for the Roslyn & Scott Sanitary Sewer Extension Project. As noted in last week's memorandum, the work consists of the construction of about 70 ft. of sanitary sewer including installation of a manhole and associated restorations. The purpose of the project would be to collectively improve and upgrade the long sanitary sewer service line configurations from three homes on Roslyn at a price point less than the anticipated costs that would be incurred if the individual service lines were repaired singly under our 50/50 cost share program.

Plans and specifications were prepared by the public works team. The project was advertised for bid in our standard fashion, with the legal notice published in the Daily Herald and documents distributed through the Public Works office. Approximately 20 contractors received or picked-up plans.

The contractors submitting bids and the bid amounts are shown in the following table:

<b>Roslyn &amp; Scott Sanitary Sewer Extension Project Bids Received August 12, 2010</b>	
<b>Contractor</b>	<b>As - Read (Corrected) Bid Amount</b>
Lifco Construction	\$18,958
John Neri Construction	\$19,765
Mancini Brothers	\$20,975 (\$22,975)
Trine Construction	\$26,210
Neri Brothers Construction	\$27,684
Copenhaver Construction	\$31,905
Vian Construction	\$32,195
Bisping Construction	\$38,800 (\$38,500)
Engineer's Estimate - Village of Glen Ellyn	\$23,200

As noted, the bid tabulation performed following the bid opening revealed a couple of errors in the original bids, but the order of bidding was not impacted. The full bid tabulation is available for inspection in the project files.

The low bidder on the project, Lifco Construction of Carol Stream, is a firm that I am not personally familiar with. References were provided with the bid documents and were contacted regarding the company's performance. Responses to my inquiries were received from three entities: all reported very satisfactory experiences with Lifco on a variety of underground projects, most of which included restoration of disturbed areas. It appears the firm has a single underground crew that is capable, thorough and quick, a good fit for this assignment. On the basis of these favorable references, Lifco is recommended for contract award.

Project funding in the amount of \$21,000 (including 10% contingency) is recommended. Funding should be taken from the FY 10 – 11 Sanitary Sewer Fund, Account No. 50200-580100, Project Number 01018.

cc: Steve Jones, Village Manager  
Kristen Schrader, Assistant to the Village Manager - Administration  
Jeff Perrigo, Civil Engineer  
Bill Miller, Utilities Inspector

A-6G

Resolution No. \_\_\_\_\_

**A Resolution of Support for the Philip J. Rock Center and School  
And Urging the State of Illinois to Continue to Fund  
The Philip J. Rock Center and School**

**Whereas**, the Village of Glen Ellyn is a home rule municipal corporation duly organized and operating pursuant to the laws of the State of Illinois; and

**Whereas**, the Philip J. Rock Center and School offers one of the State's most intensive and comprehensive educational programs for children who are deaf-blind in the 3 to 21-year age group; and

**Whereas**, the Philip J. Rock Center and School also provides a wide range of services on a statewide basis in schools, medical settings, early intervention centers and homes for deaf-blind children; and

**Whereas**, the Philip J. Rock Center and School is unique in its mission and success within the State of Illinois; and

**Whereas**, the Philip J. Rock Center and School is operated by the Illinois State Board of Education and relies on the State of Illinois for funding its operations, and unlike traditional public schools, cannot rely on property tax revenues to fund its operations; and

**Whereas**, due to the governmental financial crisis in the State of Illinois, the Philip J. Rock Center and School has not received its expected voucher payments from the State since February 1, 2010, does not have sufficient revenues to fund its operations, and is in danger of immediate closure; and

**Whereas**, among the many devastating impacts the closure of the Philip J. Rock Center and School would have, the closure would be particularly devastating on students who

are so profoundly disabled that they are permanently housed and cared for at the Philip J. Rock Center and School; and

**Whereas**, the Corporate Authorities of the Village of Glen Ellyn, Illinois, DuPage County, Illinois, believe that the services and programs offered by the Philip J. Rock Center and School are unique and invaluable, and urges the State of Illinois to take all necessary and appropriate action to continue funding the operations of the Philip J. Rock Center and School, finding such continued, immediate funding to be in the public interest;

**Now, therefore, be it resolved by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois**, in the exercise of its home rule powers, as follows:

**Section One:** The Corporate Authorities of the Village of Glen Ellyn offers its support for the Philip J. Rock Center and School as a unique and invaluable provider of services and programs for disabled children;

**Section Two:** The Corporate Authorities of the Village of Glen Ellyn urge State of Illinois officials, including the Illinois State Board of Education, to take all necessary and appropriate action on both an emergency basis and on a continuing basis to continue funding the operations of the Philip J. Rock Center and School in order to prevent its immediate closure;

**Section Three:** All resolutions or ordinances or parts of resolutions or ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of the conflict; and

**Section Four:** This resolution shall be in full force and effect after its passage, approval and recording as provided by law.

**Passed** by the Village Board of the Village of Glen Ellyn, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**Ayes:**

**Nays:**

**Absent:**

**Approved** by the Village President of the Village of Glen Ellyn, Illinois this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Village President of the  
Village of Glen Ellyn, Illinois

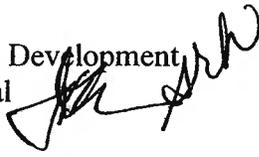
**Attest:**

\_\_\_\_\_  
Village Clerk of the  
Village of Glen Ellyn, Illinois

MEMORANDUM

A-7

**TO:** Steve Jones, Village Manager

**FROM:** Staci Hulseberg, Director of Planning & Development  
Joe Kvapil, Building and Zoning Official 

**DATE:** August 6, 2010

**FOR:** August 16 Village Board Workshop and August 23 Village Board Meeting

**SUBJECT:** 289 Illinois Street – Zoning Variation Request

**Petition:** Steven and Laverne Street, the property owners, are requesting approval of one variation from the Glen Ellyn Zoning Code, Section 10-4-8(D)3, to allow the construction of a one-story addition with a side yard setback of 5.3 feet in lieu of the minimum required side yard setback of 6.5 feet. The subject property is a corner lot located on the southwest corner of Illinois Street and Kenilworth Avenue in the R2 Residential District.

**Zoning Data:** The existing home is a two-story structure that was constructed in a location that encroaches into the minimum required side yard setback on a nonconforming corner lot. The proposed addition is planned to align with the south nonconforming wall of the existing home. The property owners are requesting approval of a variation from Glen Ellyn Zoning Code, Section 10-4-8(D)3, to allow a side yard setback of 5.3 feet in lieu of the minimum required side yard setback of 6.5 feet.

**Public Hearing:** The Zoning Board of Appeals conducted a public hearing on the requested variation on Tuesday, July 27, 2010. Notice of the public hearing was published in the Daily Herald on July 12, 2010. At the meeting, no persons spoke in favor of or in opposition to the variation request. The Zoning Board of Appeals was in favor of the variation because they felt that the nonconforming conditions contributed to a hardship and that the variation is minimal and would not negatively impact the adjacent home or character of the neighborhood. The Zoning Board of Appeals voted on a motion to recommend approval of the variation requests. The motion carried with five (5) “yes” votes and one (1) “no” vote.

**Village Board:** It is requested that the Village Board consider the petitioners' request and the recommendation offered by the Zoning Board of Appeals. Staff has prepared an ordinance to approve the requested variation as recommended by the Zoning Board of Appeals.

Attachments:

- Minutes of ZBA meeting dated July 27, 2010
- Photo of the Subject Property
- Location Map
- Ordinance
- Notice of Public Hearing
- List of Addresses
- Petitioners' Application packet

cc: Steven and Laverne Street

DRAFT  
ZONING BOARD OF APPEALS  
MINUTES  
JULY 27, 2010

The meeting was called to order by Chairman Richard Garrity at 7:30 p.m. Board Members Gregory Constantino, Barbara Fried, Edward Kolar, Dale Siligmuller and Michael Waterman were present. Board Member Mary Ozog was excused. Also present were Trustee Liaison Pete Ladesic, Building and Zoning Official Joe Kvapil and Recording Secretary Barbara Utterback.

Chairman Garrity described the proceedings of the Zoning Board of Appeals.

Board Member Fried moved, seconded by Board Member Kolar, to approve the minutes of the April 27, 2010 Zoning Board of Appeals meetings. The motion carried unanimously by voice vote.

Two public hearings were on the agenda for properties at 289 Illinois Street and 980 Oxford Road.

PUBLIC HEARING – 289 ILLINOIS STREET

A REQUEST FOR APPROVAL OF ONE (1) VARIATION FROM THE GLEN ELLYN ZONING CODE, SECTION 10-4-8(D)3, TO ALLOW THE CONSTRUCTION OF A ONE-STORY ADDITION WITH A SIDE YARD SETBACK OF 5.3 FEET IN LIEU OF THE MINIMUM REQUIRED SIDE YARD SETBACK OF 6.5 FEET.

*(Steven and Laverne Street, owners)*

Staff Report

Building and Zoning Official Joe Kvapil stated that Steven and Laverne Street, the owners of the property at 289 Illinois Street, are requesting one (1) variation from Section 10-4-8(D)3 of the Zoning Code to allow the construction of a one-story addition to their existing home with a side yard setback of 5.3 feet in lieu of the minimum required setback of 6.5 feet. Mr. Kvapil displayed photographs of the subject property and a location map. He stated that the subject property is in the R2 Residential zoning district and is not in a designated flood area. Mr. Kvapil explained that the subject corner lot is nonconforming with a 50-foot width in lieu of 80 feet required and a lot area of 7,433 square feet in lieu of 8,712 square feet required. Mr. Kvapil stated that Village records indicate no variations have been granted for this property and he listed building permits previously issued. Mr. Kvapil displayed a site plan showing the location of the proposed one-story addition which is approximately 78 square feet. He explained that the addition will be aligned with the south side of the house which is 5.61 feet from the side lot line in lieu of 6.5 feet required; therefore, the proposed addition encroaches approximately 11 inches into the side lot line. (Mr. Kvapil explained that the publication notice states that the requested side yard setback is 5.3 feet, however, additional information was subsequently submitted indicating the side yard setback to be requested is actually 5.61

feet). Mr. Kvapil added that the lot coverage ratio including the proposed addition will be less than the maximum allowed. Mr. Kvapil indicated that six neighbors signed a petition supporting the proposed variation request.

#### Petitioners' Presentation

Laverne Street, the petitioner and owner of 289 Illinois Street, and Timothy C. Berneche, Architect, 314 Illinois Street, Glen Ellyn, Illinois 60137, spoke regarding the subject variation request. Mr. Berneche stated that the petitioners would like to create a space for outdoor clothing, shoes, boots, etc. Displaying a site plan, Mr. Berneche explained that if the addition conformed to the code, the space would be too small to be used effectively as a mud room. He further explained that the addition will match the existing building wall line and will be in keeping with the character of the existing house. Ms. Street added that they planned the project to so that they could keep the view to the back yard open and not negatively impact their neighbors' view. She stated that two of her neighbors commented that they felt the addition would be more aesthetically appealing if it matched the wall line as proposed by the petitioners. Ms. Street described other options they considered that were not viable. Ms. Street stated that a hardship is that they do not have a door to the garage through their house and that the extra foot they are requesting is necessary for traffic flow purposes. Mr. Berneche added that another hardship is that if the variation is not granted, the 6-foot-2 inch wide patio door would have to be 5 feet 2 inches which he believes would be difficult with small children and would decrease visual access to the children outdoors.

#### Responses to Questions from the ZBA

Mr. Kvapil responded to Mr. Kolar that he was unable to locate any Planned Unit Developments requirements for the subject area in the Village records and added that any additions/alterations being requested at this time are required to follow the current code. Mr. Kvapil clarified for Chairman Garrity that the only exception to allowing a straight-up addition without a variation is for construction over an existing foundation. Ms. Street clarified for Board Member SiligmueLLer that the proposed addition will connect the garage to the house. Mr. Berneche responded to Board Member Kolar that a unique circumstance is the relationship of the garage wall to the south wall which restricts the buildable area.

#### Persons in Favor of or in Opposition to the Petition

No persons spoke in favor of or in opposition to the variation requests.

#### Comments from the ZBA

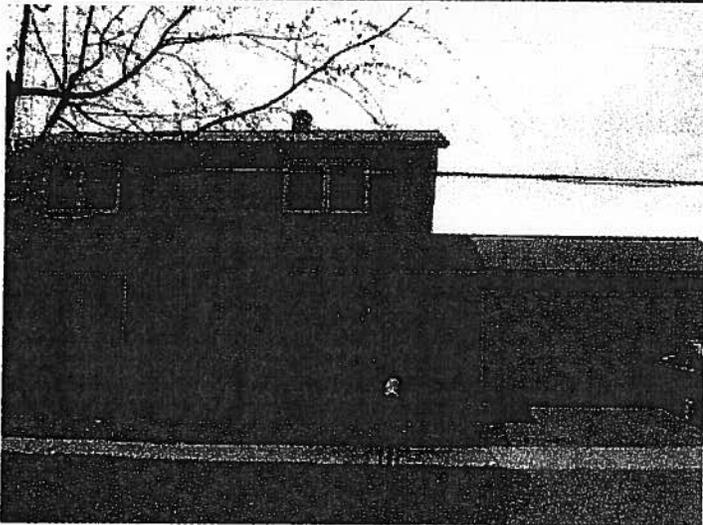
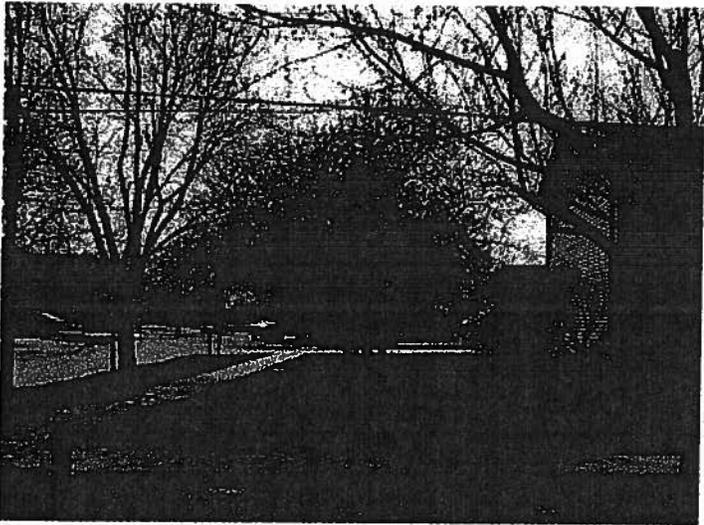
All but one of the ZBA members were in favor of the proposed variation request. The ZBA members in favor of the request felt that the variation is minimal and will not negatively impact the neighbors' view nor the essential character of the neighborhood. The ZBA members in favor felt that the hardships and/or unique circumstances were the

location of the house on the lot and the existing nonconforming situation. Mr. Waterman commented that he had no problem with aligning an addition with existing walls. Mr. Kolar did not feel unique circumstances were demonstrated by the petitioners.

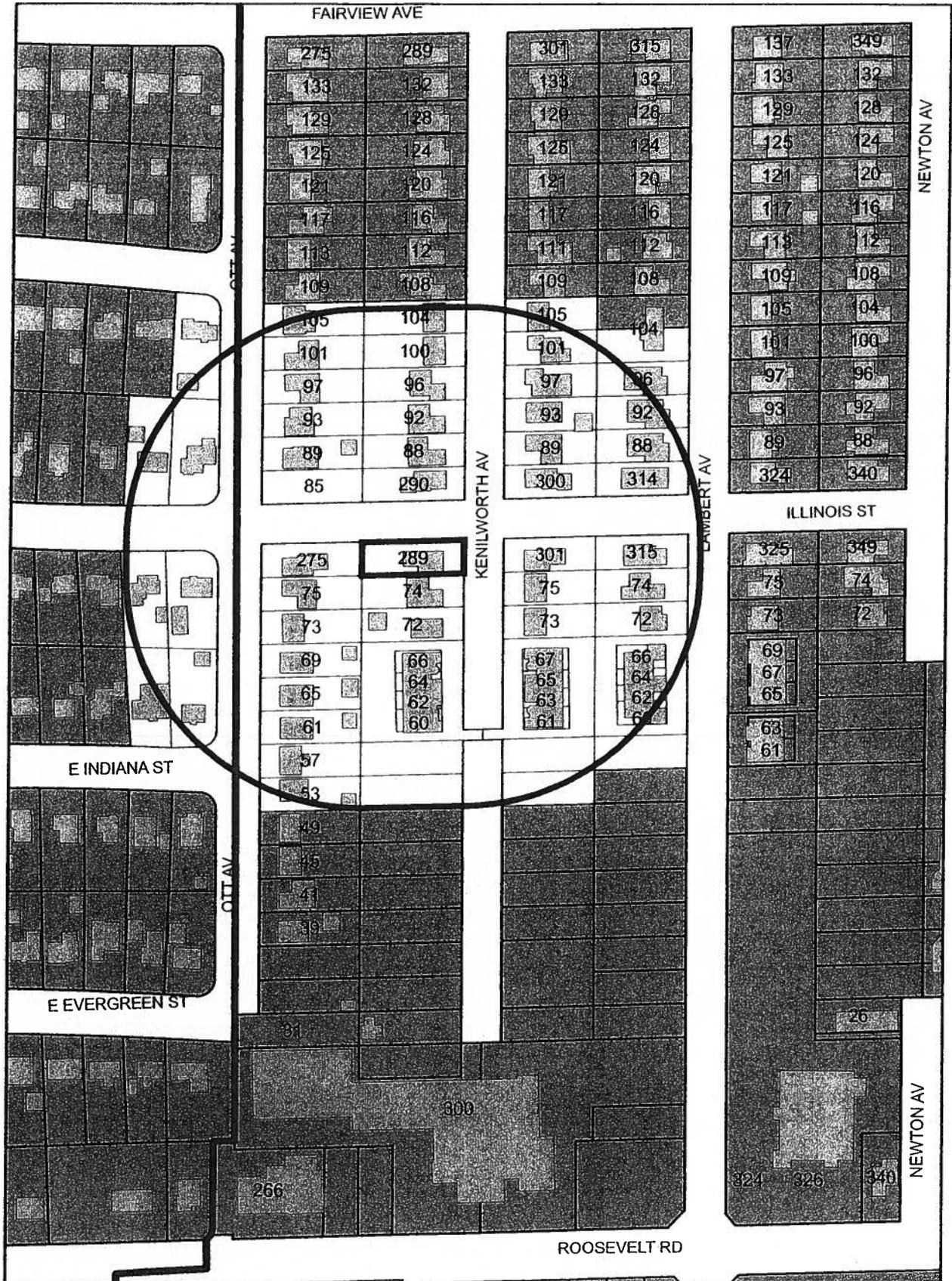
Motion

Mr. Siligmueller moved, seconded by Ms. Fried, to recommend that the Village Board approve a variation from the Glen Ellyn Zoning Code, Section 10-4-8(D)3, for property at 289 Illinois Street as requested by Steven and Laverne Street to allow the construction of a one-story addition with a side yard setback of 5.3 feet in lieu of the minimum required side yard setback of 6.5 feet. The recommendation for approval was based on the findings of fact that the proposed addition will not change the essential character of the neighborhood, the nonconforming location of the house on the lot is a practical difficulty and the proposed addition will not increase the amount of nonconformance. The recommendation for approval was based on the condition that the construction is in compliance with the plans as submitted at this public hearing.

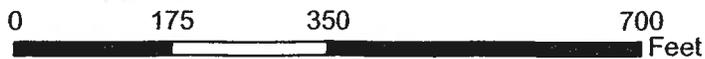
The motion carried with five (5) "yes" votes and one (1) "no" vote as follows: Board Members Siligmueller, Fried, Constantino, Waterman and Chairman Garrity voted yes; Board Member Kolar voted no.



# 289 ILLINOIS STREET



Prepared By: Barbara Utterback  
 Date Printed: July 12, 2010



**Village of Glen Ellyn**

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**Ordinance No. \_\_\_\_\_**

**An Ordinance Approving a Variation from the  
Side Yard Setback Requirements  
of the Zoning Code  
to Allow an Addition to the Existing Home  
For Property at 289 Illinois Street  
Glen Ellyn, IL 60137**

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**Adopted by the  
President and Board of Trustees  
Of the Village of Glen Ellyn  
DuPage County, Illinois  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.**

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Published in pamphlet form by the authority of the  
President and Board of Trustees of the Village of  
Glen Ellyn, DuPage County, Illinois, this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_.

Ordinance No. \_\_\_\_\_

**An Ordinance Approving a Variation from the  
Side Yard Setback Requirements  
of the Zoning Code  
to Allow an Addition to the Existing Home  
For Property at 289 Illinois Street  
Glen Ellyn, IL 60137**

**Whereas**, Steven and Laverne Street, owners of the property at 289 Illinois Street, Glen Ellyn, Illinois, which is legally described as follows:

Lot 1 in Block 15 in Glen Ellyn Manor, being a subdivision of part of the Southeast Quarter of Section 15, Township 39 North, Range 10, East of the Third Principal Meridian, according to the Plat thereof recorded January 16, 1922 as Document 153289 in DuPage County.

P.I.N.: 05-15-418-016

have petitioned the President and Board of Trustees of the Village of Glen Ellyn for a variation from the Glen Ellyn Zoning Code, Section 10-4-8(D)3, to allow the construction of a 78-square foot addition to the existing home with a side yard setback of 5.3 feet lieu of the minimum required side yard setback of 6.5 feet; and

**Whereas**, following due notice by publication in the Daily Herald not less than fifteen (15) nor more than thirty (30) days prior thereto, and by mailing notice to all property owners within 250 feet of the subject property at least ten (10) days prior thereto, and following the placement of a placard on the subject property not less than fifteen (15) days prior thereto, the Glen Ellyn Zoning Board of Appeals conducted a public hearing on July 27, 2010, at which the petitioners presented

evidence, testimony, and exhibits in support of the variation request and no persons appeared in favor of the variation and no persons appeared in opposition thereto; and

**Whereas**, based upon the evidence, testimony, and exhibits presented at the public hearing on July 27, 2010, the Zoning Board of Appeals adopted findings of fact and voted on a motion to approve the Variation, which carried by a vote of five (5) "yes" and one (1) "no," resulting in a recommendation for approval as set forth in its draft Minutes dated July 27, 2010, appended hereto as Exhibit "A"; and

**Whereas**, the President and Board of Trustees have reviewed the exhibits and evidence presented at the aforementioned public hearing and have considered the findings of fact and recommendations of the Zoning Board of Appeals; and

**Whereas**, the President and Board of Trustees make the following findings of fact:

- A. That the plight of the owner is due to unique circumstances including the nonconforming side yard setback of the house on the lot and the nonconforming corner lot width;
- B. That the variations, if granted, will not alter the essential character of the locality or negatively impact the adjacent property;
- C. That the conditions upon which the variation is based include a unique configuration of the home and position on the lot which would not be applicable generally to other property within the same zoning district;
- D. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property since it is intended to improve future living conditions for the current occupants;
- E. That the practical difficulty or particular hardship has not been created by any persons presently having an interest in the property since the nonconforming conditions previously existed;

F. That the variation will not diminish or impair property values within the neighborhood since it will increase the size of the home and value of the property; and

**Whereas**, the President and Board of Trustees, based on the aforementioned findings of fact, find it appropriate to grant the variation presented to the Zoning Board of Appeals.

**Now, Therefore, be it Ordained by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois**, in exercise of its home rule powers, as follows:

**Section One:** The draft minutes of the July 27, 2010 Glen Ellyn Zoning Board of Appeals meeting, Exhibit "A" appended hereto, are hereby accepted, and the findings of fact and conclusions set forth in the preambles above are hereby adopted as the findings of fact and conclusions of the corporate authorities of the Village of Glen Ellyn.

**Section Two:** Based upon the above findings of fact, the President and Board of Trustees hereby approve a variation from the Glen Ellyn Zoning Code, Section 10-4-8(D)3, to allow the construction of an addition to the existing home with a side yard setback of 5.3 feet lieu of the minimum required side yard setback of 6.5 feet at 289 Illinois Street, Glen Ellyn, Illinois, which is legally described as follows:

Lot 1 in Block 15 in Glen Ellyn Manor, being a subdivision of part of the Southeast Quarter of Section 15, Township 39 North, Range 10, East of the Third Principal Meridian, according to the Plat thereof recorded January 16, 1922 as Document 153289 in DuPage County.

P.I.N.: 05-15-418-016

**Section Three:** This grant of variation to construct an addition is conditioned upon the construction being completed in substantial conformance with the signed Application for Variation received by the Planning & Development Department on June 24, 2010, supporting documents and

materials received on June 24, 2010 and the testimony and exhibits provided at the July 27, 2010 Zoning Board of Appeals public hearing.

**Section Four:** The Building and Zoning Official is hereby authorized and directed to issue building permits for the subject property, consistent with the variation granted herein, provided that all conditions set forth hereinabove have been met and that the proposed construction is in compliance with all other applicable laws and ordinances. This grant of variation shall expire and become null and void twenty-four (24) months from the date of passage of this Ordinance unless a building permit to begin construction in reliance on this variation is applied for within said twenty-four (24) month time period and construction is continuously and vigorously pursued provided, however, the Village Board, by motion, may extend the period during which permit application, construction, and completion shall take place.

**Section Five:** The Village Clerk is hereby authorized and directed to cause a copy of this Ordinance approving the variation to be recorded with the DuPage County Recorder of Deeds.

**Section Six:** This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form.

**Section Seven:** Failure of the owner or other party in interest or a subsequent owner or other party in interest to comply with the terms of this Ordinance, after execution of said Ordinance, shall subject the owner or party in interest to the penalties set forth in Section 10-10-18 "A" and "B" of the Village of Glen Ellyn Zoning Code.

**Passed** by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this \_\_\_\_ day of \_\_\_\_\_, 2010.

**Ayes:**

**Nays:**

**Absent:**

**Approved** by the Village President of the Village of Glen Ellyn, Illinois, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Village President of the  
Village of Glen Ellyn, Illinois

**Attest:**

\_\_\_\_\_  
Village Clerk of the  
Village of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the \_\_\_\_ day of \_\_\_\_\_).



## NOTICE OF PUBLIC HEARING

Steven and Laverne Street, owners of the property at 289 Illinois Street, are requesting a public hearing for one variation in accordance with Section 10-10-12 of the Glen Ellyn Zoning Code. The owners would like to modify the existing home by constructing a one-story addition set back 5.3 feet from the side yard lot line. The Zoning Code requires a minimum side yard setback of 6.5 feet. The Glen Ellyn Zoning Board of Appeals will conduct a public hearing to consider this variation on July 27, 2010 at 7:30 p.m. on the third floor in the Civic Center, 535 Duane Street, Glen Ellyn, Illinois. Anyone is welcome to attend.

The property owners are requesting approval of one variation from the Glen Ellyn Zoning Code, Section 10-4-8(D)3, to allow the construction of a one-story addition with a side yard setback of 5.3 feet in lieu of the minimum required side yard setback of 6.5 feet.

The property is zoned R2, Residential District, and is legally described as follows:

Lot 1 in Block 15 in Glen Ellyn Manor, being a subdivision of part of the Southeast Quarter of Section 15, Township 39 North, Range 10, East of the Third Principal Meridian, according to the Plat thereof recorded January 16, 1922 as Document 153289 in DuPage County.

P.I.N.: 05-15-418-016

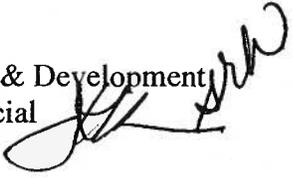
Plans related to the proposed addition are available for public review in the Planning and Development Department, Civic Center, 535 Duane Street, Glen Ellyn, Illinois. If you have questions, please contact Joe Kvapil, Building & Zoning Official, at (630) 547-5244. For individuals with disabilities who have questions regarding the accessibility of the meeting or facilities, contact Harold Kolze, ADA Coordinator, at (630) 547-5209.

(Published in the Daily Herald on Monday, July 12, 2010)

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MEMORANDUM

**TO:** Steve Jones, Village Manager

**FROM:** Staci Hulseberg, Director of Planning & Development  
 Joe Kvapil, Building and Zoning Official 

**DATE:** August 10, 2010

**FOR:** August 16, 2010 Village Board Workshop and August 23, 2010 Village Board Meeting

**SUBJECT:** Adoption of the 2009 ICC International Property Maintenance Code  
 Adoption of the 2009 NFPA 101 Life Safety Code

On September 9, 2002, the Village Board passed Resolution 02-22 (attached), a Resolution to Establish a Building Code Adoption Policy for the Village of Glen Ellyn. The Policy requires staff to maintain current and accurate codes and make appropriate updates. Based on the Code Adoption Policy, the Building Board of Appeals conducted public meetings to review and discuss suggested code adoption and amendments proposed by staff. A total of eight new or updated codes have been identified for adoption including:

1. 2009 ICC International Property Maintenance Code (new)
2. 2009 NFPA 101 Life Safety Code (new)
3. 2009 ICC International Fire Code (new)
4. 2009 ICC International Building Code (update)
5. 2009 ICC International Residential Code (update)
6. 2009 ICC International Fuel Gas Code (update)
7. 2009 ICC International Mechanical Code (update)
8. 2009 ICC International Energy Conservation Code (new)

**2009 ICC International Property Maintenance Code**

The International Code Council (ICC) is the largest recognized building and fire code development agency with ICC codes adopted in all 50 states. Staff has surveyed suburban municipalities and found that the majority have adopted the International Property Maintenance Code. The 2009 ICC International Property Maintenance Code (attached) regulates and governs the conditions, maintenance and occupancy of all existing properties and buildings to protect public health, safety and welfare.

The Village currently has no adopted maintenance code applicable to existing properties except existing buildings or structures being altered under a building permit. Complaints about poor maintenance conditions are addressed as nuisances in the Village Code. Nuisance regulations concerning building maintenance are not well defined or comprehensive and limit effective enforcement. The adoption of the Property Maintenance Code will provide a needed tool to establish reasonable maintenance standards and enforce compliance.

A few of the more important provisions in the IPMC include requirements to protect structures from collapse, maintain a weather resistance exterior enclosure and provide adequate light, ventilation, heating, electrical and sanitation facilities. We have amended the code to add provisions to address

other common issues such as composting yard waste materials, outdoor storage of materials, and equipment and soil erosion.

### **2009 NFPA 101 Life Safety Code**

The National Fire Protection Association (NFPA) is recognized worldwide as the primary code and standards development agency governing fire fighting operations, fire equipment and systems, and hazardous materials and operations. The 2009 NFPA 101 Life Safety Code generally addresses conditions hazardous to life and property from fire, escape from buildings and fire protective building features and systems. Due to its size, we did not attach a copy of the Life Safety Code. If Board members are interested in seeing a copy, please contact the Planning & Development Department.

State Statute (425 ILCS 25), the Fire Investigation Act, and the Illinois Administrative Code mandate municipal compliance. The Office of the State Fire Marshall issued notification to all municipalities that the provisions of the Life Safety Code must be followed or municipalities must adopt a code that provides equivalent fire safety. The Life Safety Code applies to both new construction and existing buildings and structures. It establishes the minimum required fire preventive conditions and equipment in buildings. Fire departments generally use the Life Safety Code as the minimum standard when conducting annual fire prevention inspections in existing buildings.

A few of the more important provisions in the LSC include the identification and classification of fire hazards, means of egress, fire barriers and fire protection equipment. No code provision amendments are proposed except the State permitted option of deleting the chapter governing single family residences. The Building Board of Appeals felt that these provisions may cause a hardship upon some residents and that the provisions of the International Property Maintenance Code governing unsafe structures provides adequate and reasonable occupant protection and enforcement ability.

**Public Meeting:** The Building Board of Appeals conducted public meetings on May 3, June 7 and August 2, 2010 to review and consider the provisions of the Property Maintenance Code and the Life Safety Code and the amendments proposed by staff. At these meetings, no persons spoke in favor of or in opposition to the proposed code adoptions and amendments. After review, discussion and revisions, the Building Board of Appeals voted on a motion to recommend approval of the proposed code adoptions and amendments at the August 2, 2010 meeting. The motion carried with four (4) “yes” votes and zero (0) “no” votes.

**Village Board:** It is requested that the Village Board consider the recommendation offered by the Building Board of Appeals. Staff has prepared an ordinance to approve the adoption of the Property Maintenance Code and the Life Safety Code as amended and recommended by the Building Board of Appeals.

**Staff Recommendation:** Staff recommends that the effective date of these Ordinances be October 1, 2010 to allow time for public notification on the Village website, publication in the Village Quarterly Newsletter, issuance of a press release, issuance of a notification letter to local contractors, training and education of building inspectors and the plan examiner, and the completion of construction design work that may already be in progress.

Attachments:

- Building Code Adoption Policy – Resolution No. 02-22

- Ordinance Adopting the International Property Maintenance Code
- International Property Maintenance Code Attachment 'A'(amendments)
- Copy of the International Property Maintenance Code (excluding index)
- Ordinance Adopting the Life Safety Code
- Life Safety Code Attachment 'A' (amendments)
- Minutes of BBA meetings on May 3, June 7 and August 2, 2010, Attachment 'B'

C: Scott Raffensparger, Fire Chief  
December 17, 2009 Builders Forum Attendees

X:\PlanDev\BUILDING\BBA\MEMOS\MPMC & LSC adopt rev.doc

RESOLUTION NO. 02-22

**RESOLUTION TO ESTABLISH A BUILDING CODE ADOPTION POLICY  
FOR THE VILLAGE OF GLEN ELLYN**

WHEREAS, the Village of Glen Ellyn is a growing and active community which has experienced an increase in the number of construction projects and developments; and

WHEREAS, the Village desires to establish a framework that would adequately safeguard the public health, safety and welfare of the general public and citizens of Glen Ellyn; and

WHEREAS, the Village also desires to establish a framework that would adequately protect and promote the longevity of the building stock and property in the Village; and

WHEREAS, the Village acknowledges the continued advancements in building technology, materials and methods of construction; and

WHEREAS, the existing Village building, mechanical, electrical and fire prevention codes are outdated and sometimes ambiguous and irrelevant with today's needs; and

WHEREAS, the Village recognizes that the national codes provide a consistency for property owners, design teams, builders and Village staff; and

WHEREAS, the Village recognizes the need for a modern, up-to-date comprehensive building code to establish minimum regulations for the design and installation of building systems; and

WHEREAS, the Village has created the Building Board of Appeals and the Electrical Commission to be advisory to the Village Board; and

WHEREAS, the Building Board of Appeals' and Electrical Commission's intent and purpose is to advise the Village Board on standards, specifications, rules, regulations and fees regarding building systems; and

WHEREAS, the Village Board discussed the adoption of the most up-to-date and applicable codes at the time of each new publication or code development cycle that occurs every three years;

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GLEN ELLYN, DUPAGE COUNTY, ILLINOIS, in the exercise of its home rule powers as follows:

SECTION ONE: The purpose of this policy is to establish a framework in which the Village will consider the adoption of up-to-date building codes at the time of each newly published edition for, but not limited to, the following reasons:

- A. To safeguard the public health and safety of the general public and citizens of Glen Ellyn;
- B. To protect and promote the longevity of the building stock and property in Glen Ellyn;
- C. To acknowledge the advancements in technology, building materials and methods of construction;
- D. To establish minimum regulations for the design and installation of building systems; and
- E. To reduce ambiguous regulations that are common in older building code editions.

SECTION TWO: Staff shall gather pertinent information related to the most current building codes to be forwarded to the Village of Glen Ellyn Building Board of Appeals and Electrical Commission. Each appropriate Board or Commission will be requested to assemble to discuss the adoption of the most current edition of the applicable building codes of Glen Ellyn. Staff will prepare a written recommendation from each Board or Commission to the Village Board by March 1, 2003, for enactment.

SECTION THREE: Village staff shall develop and maintain current, accurate information pertaining to the updates and publications of codes and shall forward all pertinent and relevant information to each Board or Commission within three months of publication. The Village of Glen Ellyn Building Board of Appeals and Electrical Commission will be requested to have regular meetings to discuss each newly published edition of the applicable building code as they become available for adoption. Staff will prepare a written recommendation from each Board or Commission to the Village Board for enactment within six months of publication.

SECTION FOUR: The written report from the Building Board of Appeals and Electrical Commission shall include the edition, title and year of the code along with any recommended code additions, modification or deletions including all applicable insertions, if necessary.

SECTION FIVE: Village staff shall develop and maintain current, accurate information concerning the applicable building codes.

SECTION SIX: This resolution shall be in full force and effect from and after its passage and approval.

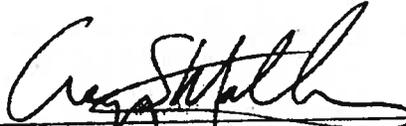
PASSED by the President and Board of Trustees of the Village of Glen Ellyn,  
Illinois, this 9TH day of SEPTEMBER, 2002.

AYES: RILEY, MELROY, LOCH, MULHERN, STRAYER

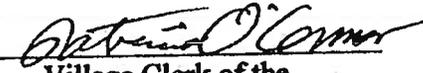
NAYS: - 0 -

ABSENT: KOHNKE

APPROVED by the Village President of the Village of Glen Ellyn, Illinois, this  
9TH day of SEPTEMBER, 2002.

  
\_\_\_\_\_  
Village President of the  
Village of Glen Ellyn

ATTEST:

  
\_\_\_\_\_  
Village Clerk of the  
Village of Glen Ellyn

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**Village of Glen Ellyn**

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**Ordinance No. \_\_\_\_\_ -VC**

**An Ordinance Amending Chapter 1 of Title 4 (Building Regulations)  
of the Village Code of the Village of Glen Ellyn, Illinois  
Adopting the 2009 International Property Maintenance Code  
with Local Amendments**

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**Adopted by the  
President and the Board of Trustees  
of the  
Village of Glen Ellyn  
DuPage County, Illinois  
This \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_.**

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**Published in pamphlet form by the authority of the  
President and Board of Trustees of the Village of  
Glen Ellyn, DuPage County, Illinois, this  
day of \_\_\_\_\_, 20\_\_\_\_.**

**ORDINANCE NO. \_\_\_\_\_ - VC**

**An Ordinance Amending Chapter 1 of Title 4 (Building Regulations)  
of the Village Code of the Village of Glen Ellyn, Illinois  
Adopting the 2009 International Property Maintenance Code  
with Local Amendments**

**Whereas**, the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, pursuant to the provisions of Division 30 of Article 11 of the Illinois Municipal Code (Chapter 65, Section 5/11-30-1 et seq. of the Illinois Compiled Statutes), have the power and authority to prescribe property maintenance and occupancy standards for all existing buildings, structures and land for the purpose of avoiding hazards to persons and damage to property, to promote the public health and safety of building occupants and the public, to ensure that buildings and structures are safe, sanitary and fit for occupation and use, to enclose, repair or demolish hazardous buildings or structures, and to remove materials and correct conditions that are noxious or unhealthy; and

**Whereas**, the President and Board of Trustees of the Village of Glen Ellyn passed Resolution No. 02-22, A Resolution to Establish a Building Code Adoption Policy for the Village of Glen Ellyn on September 9, 2002 to establish a framework in which the Village will consider the adoption of up-to-date building codes at the time of each newly published edition; and

**Whereas**, the 2009 International Property Maintenance Code has been published by the International Code Council for the intended use by municipalities in regulating and governing the conditions, maintenance and occupancy of all existing property, buildings and structures; and

**Whereas,** the Glen Ellyn Village Code does not currently include a specific code that regulates and governs the conditions, maintenance and occupancy of all existing property, buildings and structures; and

**Whereas,** the Glen Ellyn Building Board of Appeals conducted public meetings on May 3, 2010, June 7, 2010 and August 2, 2010 for the purpose of considering an amendment to Chapter 1 of Title 4 (Building Regulations) of the Glen Ellyn Village Code to adopt the 2009 International Property Maintenance Code with amendments which are attached hereto as Exhibit "A"; and

**Whereas,** the Building Board of Appeals has made its recommendations, as set forth in the Minutes of the Glen Ellyn Building Board of Appeals dated May 3, 2010, June 7, 2010 and August 2, 2010, drafts which are attached hereto as group Exhibit "B"; and

**Whereas,** the President and Board of Trustees of the Village of Glen Ellyn have considered the recommendations of the Building Board of Appeals as set forth in its draft Minutes dated May 3, 2010, June 7, 2010 and August 2, 2010 which are attached hereto as group Exhibit "B"; and

**Whereas,** the President and Board of Trustees deem it to be in the best interest of the Village of Glen Ellyn to adopt the proposed amendments to Chapter 1 of Title 4 (Building Regulations) of the Glen Ellyn Village Code as recommended by the Building Board of Appeals in order to adopt the 2009 International Property Maintenance Code with local amendments, which are attached hereto as Exhibit "A", as the standards and regulations for the maintenance of all property, buildings and structures within the Village of Glen Ellyn.

**Now, Therefore, be it Ordained by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois,** in the exercise of its home rule powers as follows:

**Section One:** Chapter 1 of Title 4 (Building Regulations) of the Glen Ellyn Village Code

shall be and is hereby amended as set forth in Exhibit "A", attached hereto.

**Section Two:** This Ordinance shall be in full force and effect from and after October 1, 2010 to allow time for notification of the public.

**Passed** by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

**Ayes:**

**Nays:**

**Absent:**

**Approved** by the Village President of the Village of Glen Ellyn, Illinois, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Village President of the  
Village of Glen Ellyn, Illinois

**Attest:**

\_\_\_\_\_  
Village Clerk of the  
Village of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_).

**Exhibit A (with text format and comments)**  
**The 2009 ICC International Property Maintenance Code**  
**As Adopted and Amended by the Village of Glen Ellyn, Illinois**

Text format:

Normal – change number and description or existing text in the Village Code or IPMC to remain

**Bold** – new code section, new amendment or new text inserted into the Village Code or IPMC

~~Strikethrough~~ – existing text in the Village Code or IPMC to be removed

*Italics* – comments that will be removed from final ordinance document

Delete Village Code Sub Section 4-1-10(C) Emergency Demolition in its entirety.

*Comments: This amendment in the Village Code should be deleted since it is duplicated in the IPMC in sections 108, 109 and 110. The IPMC is also more inclusive and specific and the language is consistent with all ICC Codes.*

Add new Village Code section as follows:

**4-1-12 ADOPTION OF THE 2009 ICC INTERNATIONAL PROPERTY MAINTENANCE CODE.**

- (A) The 2009 ICC International Property Maintenance Code is adopted by reference as the standards and regulations for the maintenance and occupancy of all existing property, buildings and structures as this code is intended, recommended, maintained and published by the International Code Council except such portions thereof that are deleted, modified, or amended in this chapter. At least one copy of the ICC 2009 International Property Maintenance Code shall be maintained on file in the Office of the Village Clerk for inspection and copying as a public record.**

*Comments: This reflects the general intent and purpose of the IPMC as published in Section 101 General and is standard language consistent with prior adoption ordinances.*

- (B) The provisions of the 2009 ICC International Property Maintenance Code are hereby deleted, modified and amended as follows:**

1. Amend section 101.1 to read as follows:

101.1 Title. These regulations shall be known as the International Property Maintenance Code of **the Village of Glen Ellyn**, hereinafter referred to as “this code”.

*Comments: This is added to identify the municipality as suggested in the code text.*

2. Amend section 102.3 to read as follows:

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the **building and fire codes as adopted and amended by the Village of Glen Ellyn International Building Code, International Fuel Gas Code, International Mechanical Code and NFPA 70.** and nothing in this code shall be constructed to cancel, modify or set aside any provision of the ~~International Zoning Code~~ **Illinois Code for Safety to Life from Fire in Buildings and Structures (Life Safety Code), the Illinois Plumbing Code, the Illinois Accessibility Code, the Illinois Energy Conservation Code or any other applicable rules or regulations established by the State of Illinois.**

*Comments: This is added to encompass all regulations that may apply to construction work and acknowledge all other applicable codes.*

3. Amend section 102.7 to add the following:

102.7 Referenced codes and standards.

**Exception: Wherever reference to the International Plumbing Code is made, substitute the Plumbing Code, Department of Public Health, State of Illinois.**

**Exception: Wherever reference to the International Zoning Code is made, substitute the Zoning Code, Title 10 of the Glen Ellyn Village Code.**

**Exception: All reference to the International Existing Building Code shall be deleted.**

**Exception: Wherever differences occur between provisions of this code and the 2009 NFPA 101 Life Safety Code the most restrictive provisions shall apply.**

*Comments: The ICC publishes a Plumbing Code and a Zoning Code that must be disregarded. We do not intend to adopt the Existing Building Code since the provisions in the Existing Building Code are adequately addressed in the International Building Code, International Residential Code, International Property Maintenance Code and the Life Safety Code.*

4. Delete section 103.1 in its entirety and substitute the following:

**103.1 General. Where referenced in this code, the department of property maintenance shall be the Planning and Development Department of the Village of Glen Ellyn and the code official shall be the Building and Zoning Official of the Village of Glen Ellyn.**

*Comments: Corrected references to our municipal organization names.*

5. Delete section 103.5 in its entirety.

**103.5 Fees**

*Comments: The activities and services performed under this code are generally initiated upon a complaint or inquiry received from the public, upon general observation of existing conditions or upon a building fire, collapse, abandonment or similar event. The fee for these services is included in the normal building permit fees for the restoration or demolition of these properties.*

6. Add new section 104.3.1 to read as follows:

**104.3.1 Search Warrant. If the code official is refused entry after a reasonable attempt to obtain consent to enter the premises to make an inspection, the code official may seek in the Circuit Court of DuPage County a search warrant. An owner, occupant or other person in charge of a dwelling, structure or property subject to the provisions of this code, who is presented with a search warrant obtained pursuant to this section, shall not refuse, impede, inhibit, interfere with restrict or obstruct entry and free access to any part of the structure or premises where an inspection authorized by search warrant is sought to be made.**

*Comments: Unlike the building code which authorizes the building official to enter a building and conduct an inspection upon receipt of a permit application, the IPMC provides no such access. The property owner's permission to access a property or enter a building must be obtained except when there is reason to believe a dangerous condition exists. This amendment is similar to amendments added by Bloomingdale, Morton Grove and other municipalities. While a search warrant may be requested and obtained without this amendment, we can refer to this code section to assist in obtaining a non cooperative property owner's permission to enter and inspect a building. This amendment has been reviewed by and is acceptable to legal counsel.*

7. Delete section 106.4 in its entirety and substitute the following:

**106.4 Violation Penalties. Any person who violates a provision of this code shall, upon conviction thereof, be subject to a fine of not less than \$50.00 nor more than \$750.00 unless a fine for the violation of this code is listed in the Glen Ellyn Village Code then the more**

**stringent shall apply. Each day that a violation continues after due notice has been served shall be deemed a separate offense.**

*Comments: This language and the fine amounts are consistent with the language throughout the Village Code.*

8. Add new section 108.2.2 to read as follows:

**108.2.2 Closing Safeguards. Vacant structures that are ordered to be closed and secured shall have all doors, windows and openings completely covered and securely fastened with solid weather resistant material to temporarily prevent access to the premises. The covering material shall match or be painted to match the general color of the structure.**

*Comments: Since Appendix A "Boarding Standard" of the IPMC is unnecessary and will not be adopted, this is an appropriate location to specify methods of boarding up vacant structures.*

9. Amend section 109.5 to insert the following:

**109.5 Cost of Emergency Repairs and Temporary Safeguards. Costs incurred in the performance of emergency work and temporary safeguards shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure or condition is or was located for the recovery of such costs.**

*Comments: This is added to cover the costs associated with temporary safeguards.*

10. Delete section 111.2 in its entirety.

*Comments: The structure, responsibilities and procedures of the Building Board of Appeals is established in Chapter 7 Building Board of Appeals, in Title 2 Boards and Commissions, in the Glen Ellyn Village Code.*

11. Delete section 111.3 in its entirety.

*Comments: The structure, responsibilities and procedures of the Building Board of Appeals is established in Chapter 7 Building Board of Appeals, in Title 2 Boards and Commissions, in the Glen Ellyn Village Code.*

12. Delete section 111.4 in its entirety.

*Comments: The structure, responsibilities and procedures of the Building Board of Appeals is established in Chapter 7 Building Board of Appeals, in Title 2 Boards and Commissions, in the Glen Ellyn Village Code.*

13. Delete section 111.5 in its entirety.

*Comments: The structure, responsibilities and procedures of the Building Board of Appeals is established in Chapter 7 Building Board of Appeal, in Title 2 Boards and Commissions, in the Glen Ellyn Village Code.*

14. Delete section 111.6 in its entirety.

*Comments: The structure, responsibilities and procedures of the Building Board of Appeals is established in Chapter 7 Building Board of Appeals, in Title 2 Boards and Commissions, in the Glen Ellyn Village Code.*

15. Delete section 111.7 in its entirety.

*Comments: This section advises a person on their rights to appeal a decision of the Building Board of Appeals. Legal council has advised that it is unnecessary to provide unsolicited legal advice to the public.*

16. Amend section 112.4 to read as follows:

**112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$50.00 dollars or more than \$750.00 dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense.**

*Comments: This language and the fine amounts are consistent with the language throughout the Village Code.*

17. Amend section 202 to insert the following definition:

**CODE OFFICIAL.** The official, or a duly authorized representative, who is charged with the administration and enforcement of this code, **under the direction and approval of the Director of Planning & Development or the Village Manager.**

*Comments: Added for additional oversight of Code Official's actions.*

18. Amend section 302.2 to insert the following:

**302.2 Grading and Drainage.** All premises shall be graded and suitable vegetation or ground cover shall be established and maintained to prevent the erosion of soil by water or wind action and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

*Comments: General language added to be more specific.*

19. Delete section 302.4 in its entirety and substitute the following:

**302.4 Weeds.** The control of weeds shall be in accordance with Chapter 12 Weeds, in Title 7 Health and Sanitation, in the Glen Ellyn Village Code.

*Comments: This section is duplicated in the provisions in the Village Code which should govern.*

20. Delete section 302.8 in its entirety and substitute the following:

**302.8 Motor vehicles.** The control of abandoned vehicles shall be in accordance with Chapter 8 Abandoned Vehicles, in Title 7 Health and Sanitation, in the Glen Ellyn Village Code.

*Comments: This section is duplicated in the provisions in the Village Code which should govern.*

21. Add new section 302.10 to read as follows:

**302.10 Corner lot landscaping.** All landscaping on corner lots within the visibility triangle shall be maintained in accordance with the Chapter 5, Section 5(B)2, in Title 10 Zoning Code, in the Glen Ellyn Village Code.

*Comments: It is appropriate to make reference to the governing Village Code requirement in the IPMC.*

22. Add new section 302.11 to read as follows:

**302.11 Composting.** Yard waste materials from the premises and adjoining parkway may be placed in a compost pile or container(s) intended for composting use. The placement of materials other than grass, vegetation or leaves in a compost pile or container(s) which attracts animals or vermin or which causes an obnoxious odor is prohibited. One compost pile or container(s) shall be permitted on a zoning lot and shall not exceed .5 % of the lot area and a maximum height of 4 feet. A compost pile or container(s) is only permitted in the rear yard and setback a minimum distance of 5% of the lot width, but not less than 3 feet, from any property line and not less than 30 feet from any adjacent residential dwelling and shall not be placed in an utility or storm water easement or in any location that obstructs the natural flow of storm water runoff.

*Comments: Composting is not addressed in the IPMC and is becoming more common. Most other municipalities have added composting regulations similar to these.*

23. Add new section 302.12 to read as follows:

**302.12 Outdoor storage.** Outdoor storage of materials and equipment is prohibited except where specifically permitted in a zoning district or where granted by Ordinance as a special use. Material and equipment prohibited from being stored outdoors includes rubbish and garbage, construction and building materials, ice melting salt, soil or land fill material, brush and limbs, logs and firewood, snow removal equipment, landscaping equipment, construction

equipment, furnishings and fixtures intended for use within a building and similar items. The following items are permitted to be stored outdoors when located in the rear yard and setback a minimum distance of 10% of the lot width, but not less than 6.5 feet, from any property line; rubbish and garbage in approved refuse containers, firewood not to exceed two face cords, lawn furniture and ornaments, outdoor cooking equipment, recreational equipment, and construction equipment and materials required for a current construction project.

*Comments: Outdoor storage is not addressed in the IPMC and is a common problem. Most other municipalities have added outdoor storage regulations similar to these.*

24. Add new section 302.13 to read as follows:

**302.13 Holiday decorations. Holiday displays, lights, signs and temporary decorative items may be displayed for not more than 60 days beginning no sooner than 30 days prior to the holiday and removed no later than 60 days after the holiday. All displays that include electrical fixtures and equipment shall be installed in compliance with all requirements for temporary power and lighting in accordance with Chapter 2 Electrical Code, in Title 4 Building Regulations, in the Glen Ellyn Village Code.**

*Comments: Although the sign code limits the display of decorations to 60 days this requirement is more inclusive and specific.*

25. Add new section 304.3.1 to read as follows:

**304.3.1 Unit Identification. Every dwelling unit and every commercial business unit that shares a common entrance door in a building with another unit shall be provided with a room, apartment, suite or other identification number. Identification numbers shall be Arabic numerals or alphabet letters with a minimum height of 2 inches and a minimum stroke width of .25 inches in a contrasting color with their background and shall be installed and maintained on or adjacent to the entrance door of the unit at a height not less than 5 feet or more than 6 feet above the floor.**

*Comments: It is necessary and desired to provide clear and consistent room identifiers for emergency responders in buildings that contain many different business, tenant spaces or dwelling units.*

26. Amend section 304.7 to read as follows:

**304.7 Roofs and drainage. Roof water, ground water or water within sump pits, pools, spas or other containers shall not be discharged in a manner that creates a public nuisance or increases or concentrates the natural water runoff flow causing soil erosion, or the accumulation of water, soil or debris, or a hazardous condition or damage on or to adjacent public or private property.**

*Comments: Added language that is more inclusive and specific.*

27. Amend section 304.13 to read as follows:

**304.13 Window, skylight and door frames. No temporary repair of a broken or damaged window, skylight or door shall remain in place for more than 30 days unless an extension has been granted by the code official.**

*Comments: Added language that is more inclusive and specific.*

28. Amend section 304.14 to insert the following dates where indicated:

**April 1<sup>st</sup> to November 1<sup>st</sup>**

*Comments: Added dates left blank in the IPMC and to be determined by the municipality.*

29. Delete section 305.1.1 in its entirety.

*Comments: This requirement for repair of unsafe conditions is adequately addressed in the 2003 IBC section R102.6, in the 2003 IRC section R102.7 and in the 2009 IPMC section 108.*

30. Delete section 305.2 in its entirety.

*Comments: This requirement for repair of unsafe conditions is adequately addressed in the 2003 IBC section R102.6, in the 2003 IRC section R102.7 and in the 2009 IPMC section 108.*

31. Delete section 305.3 in its entirety.

*Comments: This requirement for maintaining interior surface conditions is not a significant life safety hazard, requires the property owner's permission to inspect for compliance and an inspection of living conditions could be interpreted as an unwarranted intrusion by the Village or violation of personal property rights.*

32. Delete section 305.4 in its entirety.

*Comments: This requirement for repair of unsafe conditions is adequately addressed in the 2003 IBC section R102.6, in the 2003 IRC section R102.7 and in the 2009 IPMC section 108.*

33. Delete section 305.5 in its entirety.

*Comments: This requirement for repair of unsafe conditions is adequately addressed in the 2003 IBC section R102.6, in the 2003 IRC section R102.7 and in the 2009 IPMC section 108.*

34. Delete section 305.6 in its entirety.

*Comments: This requirement for maintaining interior doors is not a significant life safety hazard, requires the property owner's permission to inspect for compliance and an inspection of living conditions could be interpreted as an unwarranted intrusion by the Village or violation of personal property rights.*

35. Delete section 308.1 in its entirety and substitute the following:

**308.1 Accumulation of Rubbish and Garbage. The control of rubbish and garbage shall be in accordance with Chapter 6 Solid Waste Collection and Disposal, in Title 7 Health and Sanitation, in the Glen Ellyn Village Code.**

*Comments: This requirement is duplicated in another section of the Village Code.*

36. Delete section 308.2 in its entirety.

*Comments: This requirement for control of rubbish or garbage is duplicated in another section the Village Code.*

37. Delete section 308.3 in its entirety.

*Comments: This requirement for control of rubbish or garbage is duplicated in another section the Village Code.*

38. Delete section 602.3 in its entirety and substitute the following:

**602.3 Heat supply. Heating requirements shall be in accordance with Chapter 1 Building Code, in Title 4 Building Regulations, in the Glen Ellyn Village Code.**

*Comments: This requirement is duplicated in another section of the Village Code.*

39. Amend section 602.4 to insert the following dates where indicated:

**October 1<sup>st</sup> to May 15<sup>th</sup>**

*Comments: Added dates left blank in the IPMC and to be determined by the municipality.*

40. Delete section 606.1 in its entirety and substitute the following:

**606.1 General. Elevators, dumbwaiters, escalators and lifts shall be maintained in compliance with the Safety Code for Elevators and Escalators (ASME A17.1-2007/CSA B44-07), Performance Based Safety Code for Elevators and Escalators (ASME A17.1-2007/CSA B44.7-07), Guide for the Inspection of Elevators, Escalators and Moving Walks (ASME A17.2-2007), Safety Code for Existing Elevators and Escalators (ASME A17.3-2005), Safety Standard for Platform Lifts and Stairway Chairlifts (ASME A18.1-2005) and Standard for the Qualification of Elevator Inspectors (ASME QEI-1-2007) in accordance with the Elevator Safety Act (225 ILCS 312/) and the Administrative Code, Title 41, Chapter II, Part 1000, administered by the Village of Glen Ellyn under a Municipality Program Agreement with the Office of the Illinois State Fire Marshall, State of Illinois.**

*Comments: Our agreement with the Office of the Illinois State Fire Marshall supersedes the elevator maintenance requirements in the IPMC. These are the standards required by the State of Illinois.*

41. Delete section 701.1 in its entirety and substitute the following:

**701.1 General. All existing buildings, structures and premises shall be maintained in compliance with Illinois Code for Safety to Life from Fire in Buildings and Structures, known as the 2009 NFPA 101 Life Safety Code current edition in accordance with the Fire Investigation Act (425 ILCS 25/) and the Administrative Code, Title 41, Chapter I, Part 100, administered by the Office of the Illinois State Fire Marshall, State of Illinois.**

*Comments: The fire safety requirements in the Life Safety Code as adopted and amended by the State of Illinois supersede the fire safety requirements in the IPMC.*

42. Delete section 702 in its entirety.

*Comments: The fire safety requirements in the Life Safety Code as adopted and amended by the State of Illinois supersede the fire safety requirements in the IPMC.*

43. Delete section 703 in its entirety.

*Comments: The fire safety requirements in the Life Safety Code as adopted and amended by the State of Illinois supersede the fire safety requirements in the IPMC.*

44. Delete section 704 in its entirety.

*Comments: The fire safety requirements in the Life Safety Code as adopted and amended by the State of Illinois supersede the fire safety requirements in the IPMC.*

**Exhibit A (clean)**  
**The 2009 ICC International Property Maintenance Code**  
**As Adopted and Amended by the Village of Glen Ellyn, Illinois**

Delete Village Code Sub Section 4-1-10(C) Emergency Demolition in its entirety.

Add new Village Code section to read as follows:

**4-1-12 ADOPTION OF THE 2009 ICC INTERNATIONAL PROPERTY MAINTENANCE CODE.**

(A) The 2009 ICC International Property Maintenance Code is adopted by reference as the standards and regulations for the maintenance and occupancy of all existing property, buildings and structures as this code is intended, recommended, maintained and published by the International Code Council except such portions thereof that are deleted, modified, or amended in this chapter. At least one copy of the ICC 2009 International Property Maintenance Code shall be maintained on file in the Office of the Village Clerk for inspection and copying as a public record.

(B) The provisions of the 2009 ICC International Property Maintenance Code are hereby deleted, modified and amended as follows:

1. Amend section 101.1 to read as follows:

101.1 Title. These regulations shall be known as the International Property Maintenance Code of the Village of Glen Ellyn, hereinafter referred to as "this code".

2. Amend section 102.3 to read as follows:

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the building and fire codes as adopted and amended by the Village of Glen Ellyn and nothing in this code shall be constructed to cancel, modify or set aside any provision of the Illinois Code for Safety to Life from Fire in Buildings and Structures (Life Safety Code), the Illinois Plumbing Code, the Illinois Accessibility Code, the Illinois Energy Conservation Code or any other applicable rules or regulations established by the State of Illinois.

3. Amend section 102.7 to read as follows:

102.7 Referenced codes and standards.

Exception: Wherever reference to the International Plumbing Code is made, substitute the Plumbing Code, Department of Public Health, State of Illinois.

Exception: Wherever reference to the International Zoning Code is made, substitute the Zoning Code, Title 10 of the Glen Ellyn Village Code.

Exception: All reference to the International Existing Building Code shall be deleted.

Exception: Wherever differences occur between provisions of this code and the 2009 NFPA 101 Life Safety Code the most restrictive provisions shall apply.

4. Delete section 103.1 in its entirety and substitute the following:

103.1 General. Where referenced in this code, the department of property maintenance shall be the Planning and Development Department of the Village of Glen Ellyn and the code official shall be the Building and Zoning Official of the Village of Glen Ellyn.

5. Delete section 103.5 in its entirety.

6. Add new section 104.3.1 to read as follows:

104.3.1 Search Warrant. If the code official is refused entry after a reasonable attempt to obtain consent to enter the premises to make an inspection, the code official may seek in the Circuit Court of DuPage County a search warrant. An owner, occupant or other person in charge of a dwelling, structure or property subject to the provisions of this code, who is presented with a search warrant obtained pursuant to this section, shall not refuse, impede, inhibit, interfere with restrict or obstruct entry and free access to any part of the structure or premises where an inspection authorized by search warrant is sought to be made.

7. Delete section 106.4 in its entirety and substitute the following:

106.4 Violation Penalties. Any person who violates a provision of this code shall, upon conviction thereof, be subject to a fine of not less than \$50.00 nor more than \$750.00 unless a fine for the violation of this code is listed in the Glen Ellyn Village Code then the more stringent shall apply. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

8. Add new section 108.2.2 to read as follows:

108.2.2 Closing Safeguards. Vacant structures that are ordered to be closed and secured shall have all doors, windows and openings completely covered and securely fastened with solid weather resistant material to temporarily prevent access to the premises. The covering material shall match or be painted to match the general color of the structure.

9. Amend section 109.5 to read as follows:

109.5 Cost of Emergency Repairs and Temporary Safeguards. Costs incurred in the performance of emergency work and temporary safeguards shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure or condition is or was located for the recovery of such costs.

10. Delete section 111.2 in its entirety.

11. Delete section 111.3 in its entirety.

12. Delete section 111.4 in its entirety.

13. Delete section 111.5 in its entirety.

14. Delete section 111.6 in its entirety.

15. Delete section 111.7 in its entirety.

16. Amend section 112.4 to read as follows:

112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$50.00 dollars or more than \$750.00 dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

17. Amend section 202 to insert the following definition:

**CODE OFFICIAL.** The official, or a duly authorized representative, who is charged with the administration and enforcement of this code, under the direction and approval of the Director of Planning & Development or the Village Manager.

18. Amend section 302.2 to read as follows:

**302.2 Grading and Drainage.** All premises shall be graded and suitable vegetation or ground cover shall be established and maintained to prevent the erosion of soil by water or wind action and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

19. Delete section 302.4 in its entirety and substitute the following:

**302.4 Weeds.** The control of weeds shall be in accordance with Chapter 12 Weeds, in Title 7 Health and Sanitation, in the Glen Ellyn Village Code.

20. Delete section 302.8 in its entirety and substitute the following:

**302.8 Motor vehicles.** The control of abandoned vehicles shall be in accordance with Chapter 8 Abandoned Vehicles, in Title 7 Health and Sanitation, in the Glen Ellyn Village Code.

21. Add new section 302.10 to read as follows:

**302.10 Corner lot landscaping.** All landscaping on corner lots within the visibility triangle shall be maintained in accordance with the Chapter 5, Section 5(B)2, in Title 10 Zoning Code, in the Glen Ellyn Village Code.

22. Add new section 302.11 to read as follows:

**302.11 Composting.** Yard waste materials from the premises and adjoining parkway may be placed in a compost pile or container(s) intended for composting use. The placement of materials other than grass, vegetation or leaves in a compost pile or container(s) which attracts animals or vermin or which causes an obnoxious odor is prohibited. One compost pile or container(s) shall be permitted on a zoning lot and shall not exceed .5 % of the lot area and a maximum height of 4 feet. A compost pile or container(s) is only permitted in the rear yard and setback a minimum distance of 5% of the lot width, but not less than 3 feet, from any property line and not less than 30 feet from any adjacent residential dwelling and shall not be placed in an utility or storm water easement or in any location that obstructs the natural flow of storm water runoff.

23. Add new section 302.12 to read as follows:

**302.12 Outdoor storage.** Outdoor storage of materials and equipment is prohibited except where specifically permitted in a zoning district or where granted by Ordinance as a special use. Material and equipment prohibited from being stored outdoors includes rubbish and garbage, construction and building materials, ice melting salt, soil or land fill material, brush and limbs, logs and firewood, snow removal equipment, landscaping equipment, construction equipment, furnishings and fixtures intended for use within a building and similar items. The following items are permitted to be stored outdoors when located in the rear yard and setback a minimum distance of 10% of the lot width, but not less than 6.5 feet, from any property line; rubbish and garbage in approved refuse containers, firewood not to exceed two face cords, lawn furniture and ornaments, outdoor cooking equipment, recreational equipment, and construction equipment and materials required for a current construction project.

24. Add new section 302.13 to read as follows:

**302.13 Holiday decorations.** Holiday displays, lights, signs and temporary decorative items may be displayed for not more than 60 days beginning no sooner than 30 days prior to the holiday and removed no later than 60 days after the holiday. All displays that include electrical fixtures and equipment shall be installed in compliance with all requirements for temporary power and lighting in accordance with Chapter 2 Electrical Code, in Title 4 Building Regulations, in the Glen Ellyn Village Code.

**25. Add new section 304.3.1 to read as follows:**

**304.3.1 Unit Identification.** Every dwelling unit and every commercial business unit that shares a common entrance door in a building with another unit shall be provided with a room, apartment, suite or other identification number. Identification numbers shall be Arabic numerals or alphabet letters with a minimum height of 2 inches and a minimum stroke width of .25 inches in a contrasting color with their background and shall be installed and maintained on or adjacent to the entrance door of the unit at a height not less than 5 feet or more than 6 feet above the floor.

**26. Amend section 304.7 to read as follows:**

**304.7 Roofs and drainage.** Roof water, ground water or water within sump pits, pools, spas or other containers shall not be discharged in a manner that creates a public nuisance or increases or concentrates the natural water runoff flow causing soil erosion, or the accumulation of water, soil or debris, or a hazardous condition or damage on or to adjacent public or private property.

**27. Amend section 304.13 to read as follows:**

**304.13 Window, skylight and door frames.** No temporary repair of a broken or damaged window, skylight or door shall remain in place for more than 30 days unless an extension has been granted by the code official.

**28. Amend section 304.14 to insert the following dates where indicated:**

April 1<sup>st</sup> to November 1<sup>st</sup>

**29. Delete section 305.1.1 in its entirety.**

**30. Delete section 305.2 in its entirety.**

**31. Delete section 305.3 in its entirety.**

**32. Delete section 305.4 in its entirety.**

**33. Delete section 305.5 in its entirety.**

**34. Delete section 305.6 in its entirety.**

**35. Delete section 308.1 in its entirety and substitute the following:**

**308.1 Accumulation of Rubbish and Garbage.** The control of rubbish and garbage shall be in accordance with Chapter 6 Solid Waste Collection and Disposal, in Title 7 Health and Sanitation, in the Glen Ellyn Village Code.

**36. Delete section 308.2 in its entirety.**

**37. Delete section 308.3 in its entirety.**

38. Delete section 602.3 in its entirety and substitute the following:  
602.3 Heat supply. Heating requirements shall be in accordance with Chapter 1 Building Code, in Title 4 Building Regulations, in the Glen Ellyn Village Code.

39. Amend section 602.4 to insert the following dates where indicated:  
October 1<sup>st</sup> to May 15<sup>th</sup>

40. Delete section 606.1 in its entirety and substitute the following:  
606.1 General. Elevators, dumbwaiters, escalators and lifts shall be maintained in compliance with the Safety Code for Elevators and Escalators (ASME A17.1-2007/CSA B44-07), Performance Based Safety Code for Elevators and Escalators (ASME A17.1-2007/CSA B44.7-07), Guide for the Inspection of Elevators, Escalators and Moving Walks (ASME A17.2-2007), Safety Code for Existing Elevators and Escalators (ASME A17.3-2005), Safety Standard for Platform Lifts and Stairway Chairlifts (ASME A18.1-2005) and Standard for the Qualification of Elevator Inspectors (ASME QEI-1-2007) in accordance with the Elevator Safety Act (225 ILCS 312/) and the Administrative Code, Title 41, Chapter II, Part 1000, administered by the Village of Glen Ellyn under a Municipality Program Agreement with the Office of the Illinois State Fire Marshall, State of Illinois.

41. Delete section 701.1 in its entirety and substitute the following:  
701.1 General. All existing buildings, structures and premises shall be maintained in compliance with Illinois Code for Safety to Life from Fire in Buildings and Structures, known as the 2009 NFPA 101 Life Safety Code current edition in accordance with the Fire Investigation Act (425 ILCS 25/) and the Administrative Code, Title 41, Chapter I, Part 100, administered by the Office of the Illinois State Fire Marshall, State of Illinois.

42. Delete section 702 in its entirety.

43. Delete section 703 in its entirety.

44. Delete section 704 in its entirety.

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# IPMC®

## INTERNATIONAL PROPERTY MAINTENANCE CODE®



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2009 International Property Maintenance Code®

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# PREFACE

## Introduction

Internationally, code officials recognize the need for a modern, up-to-date property maintenance code governing the maintenance of existing buildings. The *International Property Maintenance Code*®, in this 2009 edition, is designed to meet this need through model code regulations that contain clear and specific property maintenance requirements with required property improvement provisions.

This 2009 edition is fully compatible with all *International Codes*® (I-Codes®) published by the International Code Council (ICC)®, including the *International Building Code*®, *International Energy Conservation Code*®, *International Existing Building Code*®, *International Fire Code*®, *International Fuel Gas Code*®, *International Mechanical Code*®, *ICC Performance Code*®, *International Plumbing Code*®, *International Private Sewage Disposal Code*®, *International Residential Code*®, *International Wildland-Urban Interface Code*™ and *International Zoning Code*®.

The *International Property Maintenance Code* provisions provide many benefits, among which is the model code development process that offers an international forum for code officials and other interested parties to discuss performance and prescriptive code requirements. This forum provides an excellent arena to debate proposed revisions. This model code also encourages international consistency in the application of provisions.

## Development

The first edition of the *International Property Maintenance Code* (1998) was the culmination of an effort initiated in 1996 by a code development committee appointed by ICC and consisting of representatives of the three statutory members of the International Code Council at that time, including: Building Officials and Code Administrators International, Inc. (BOCA), International Conference of Building Officials (ICBO) and Southern Building Code Congress International (SBCCI). The committee drafted a comprehensive set of regulations for existing buildings that was consistent with the existing model property maintenance codes at the time. This 2009 edition presents the code as originally issued, with changes reflected through the previous 2006 editions and further changes developed through the ICC Code Development Process through 2008. A new edition of the code is promulgated every three years.

This code is founded on principles intended to establish provisions consistent with the scope of a property maintenance code that adequately protects public health, safety and welfare; provisions that do not unnecessarily increase construction costs; provisions that do not restrict the use of new materials, products or methods of construction; and provisions that do not give preferential treatment to particular types or classes of materials, products or methods of construction.

## Adoption

The *International Property Maintenance Code* is available for adoption and use by jurisdictions internationally. Its use within a governmental jurisdiction is intended to be accomplished through adoption by reference in accordance with proceedings established in the jurisdiction's laws. At the time of adoption, jurisdictions should insert the appropriate information in provisions requiring specific local information, such as the name of the adopting jurisdiction. These locations are shown in bracketed words in small capital letters in the code and in the sample ordinance. The sample adoption ordinance on page vii addresses several key elements of a code adoption ordinance, including the information required for insertion into the code text.

## Maintenance

The *International Property Maintenance Code* is kept up to date through the review of proposed changes submitted by code enforcing officials, industry representatives, design professionals and other interested parties. Proposed changes are carefully considered through an open code development process in which all interested and affected parties may participate.

The contents of this work are subject to change both through the Code Development Cycles and the governmental body that enacts the code into law. For more information regarding the code development process, contact the Codes and Standards Development Department of the International Code Council.

While the development procedure of the *International Property Maintenance Code* ensures the highest degree of care, ICC, its membership and those participating in the development of this code do not accept any liability resulting from compliance or non-compliance with the provisions because ICC does not have the power or authority to police or enforce compliance with the contents of this code. Only the governmental body that enacts the code into law has such authority.

## Letter Designations in Front of Section Numbers

In each code development cycle, proposed changes to this code are considered at the Code Development Hearings by the ICC Property Maintenance/Zoning Code Development Committee, whose action constitutes a recommendation to the voting membership for final action on the proposed changes. Proposed changes to a code section having a number beginning with a letter in brackets are considered by a different code development committee. For example, proposed changes to code sections that have the letter [F] in front of them (e.g., [F] 704.1) are considered by the International Fire Code Development Committee at the Code Development Hearings.

The content of sections in this code that begin with a letter designation are maintained by another code development committee in accordance with the following:

[F] = International Fire Code Development Committee;

[P] = International Plumbing Code Development Committee; and

[B] = International Building Code Development Committee.

## Marginal Markings

Solid vertical lines in the margins within the body of the code indicating a technical change from the requirements of the previous edition. Deletion indicators in the form of an arrow (➡) are provided in the margin where an entire section, paragraph, exception or table has been deleted or an item in a list of items or a table has been deleted.

## Italicized Terms

Selected terms set forth in Chapter 2, Definitions, are italicized where they appear in code text. Such terms are not italicized where the definition set forth in Chapter 2 does not impart the intended meaning in the use of the term. The terms selected have definitions which the user should read carefully to facilitate better understanding of the code.

# Effective Use of the International Property Maintenance Code

The *International Property Maintenance Code (IPMC)* is a model code that regulates the minimum maintenance requirements for existing buildings.

The IPMC is a maintenance document intended to establish minimum maintenance standards for basic equipment, light, ventilation, heating, sanitation and fire safety. Responsibility is fixed among owners, operators and occupants for code compliance. The IPMC provides for the regulation and safe use of existing structures in the interest of the social and economic welfare of the community.

## Arrangement and Format of the 2009 IPMC

Before applying the requirements of the IPMC it is beneficial to understand its arrangement and format. The IPMC, like other codes published by ICC, is arranged and organized to follow sequential steps that generally occur during an inspection. The IPMC is divided into eight different parts:

Chapters	Subjects
1	Administration
2	Definitions
3	General Requirements
4	Light, Ventilation and Occupancy Limitations
5	Plumbing Facilities and Fixture Requirements
6	Mechanical and Electrical Requirements
7	Fire Safety Requirements
8	Referenced Standards

The following is a chapter-by-chapter synopsis of the scope and intent of the provisions of the *International Property Maintenance Code*:

**Chapter 1 Administration.** This chapter contains provisions for the application, enforcement and administration of subsequent requirements of the code. In addition to establishing the scope of the code, Chapter 1 identifies which buildings and structures come under its purview. Chapter 1 is largely concerned with maintaining “due process of law” in enforcing the property maintenance criteria contained in the body of the code. Only through careful observation of the administrative provisions can the building official reasonably expect to demonstrate that “equal protection under the law” has been provided.

**Chapter 2 Definitions.** All terms that are defined in the code are listed alphabetically in Chapter 2. While a defined term may be used in one chapter or another, the meaning provided in Chapter 2 is applicable throughout the code.

Where understanding of a term’s definition is especially key to or necessary for understanding of a particular code provision, the term is shown in italics wherever it appears in the code. This is true only for those terms that have a meaning that is unique to the code. In other words, the generally understood meaning of a term or phrase might not be sufficient or consistent with the meaning prescribed by the code; therefore, it is essential that the code-defined meaning be known.

Guidance regarding tense, gender and plurality of defined terms as well as guidance regarding terms not defined in this code is provided.

**Chapter 3 General Requirements.** Chapter 3, “General Requirements,” is broad in scope. It includes a variety of requirements for the exterior property areas as well as the interior and exterior elements of the structure. This chapter provides requirements that are intended to maintain a minimum level of safety and sanitation for both the general public and the occupants of a structure, and to maintain a building’s structural and weather-resistance performance. Chapter 3 provides specific criteria for regulating the installation and maintenance of specific building components; maintenance requirements for vacant structures and land; requirements regulating the safety, sanitation and appearance of the interior and exterior of structures and all exterior property areas; accessory structures; vehicle storage regulations and establishes who is responsible for complying with the chapter’s provisions. This chapter also contains the requirements for swimming pools, spas and hot tubs and the requirements for protective barriers and gates in these

barriers. Chapter 3 establishes the responsible parties for exterminating insects and rodents, and maintaining sanitary conditions in all types of occupancies.

**Chapter 4 Light, Ventilation and Occupancy Limitations.** The purpose of Chapter 4 is to set forth these requirements in the code and to establish the minimum environment for occupiable and habitable buildings, by establishing the minimum criteria for light and ventilation and identifies occupancy limitations including minimum room width and area, minimum ceiling height and restrictions to prevent overcrowding. This chapter also provides for alternative arrangements of windows and other devices to comply with the requirements for light and ventilation and prohibits certain room arrangements and occupancy uses.

**Chapter 5 Plumbing Facilities and Fixture Requirements.** Chapter 5 establishes the minimum criteria for the installation, maintenance and location of plumbing systems and facilities, including the water supply system, water heating appliances, sewage disposal system and related plumbing fixtures.

Sanitary and clean conditions in occupied buildings are dependent upon certain basic plumbing principles, including providing potable water to a building, providing the basic fixtures to effectively utilize that water and properly removing waste from the building. Chapter 5 establishes the minimum criteria to verify that these principles are maintained throughout the life of a building.

**Chapter 6 Mechanical and Electrical Requirements.** The purpose of Chapter 6 is to establish minimum performance requirements for heating, electrical and mechanical facilities and to establish minimum standards for the safety of these facilities.

This chapter establishes minimum criteria for the installation and maintenance of the following: heating and air-conditioning equipment, appliances and their supporting systems; water-heating equipment, appliances and systems; cooking equipment and appliances; ventilation and exhaust equipment; gas and liquid fuel distribution piping and components; fireplaces and solid fuel-burning appliances; chimneys and vents; electrical services; lighting fixtures; electrical receptacle outlets; electrical distribution system equipment, devices and wiring; and elevators, escalators and dumbwaiters.

**Chapter 7 Fire Safety Requirements.** The purpose of Chapter 7 is to address those fire hazards that arise as the result of a building's occupancy. It also provides minimum requirements for fire safety issues that are most likely to arise in older buildings.

This chapter contains requirements for means of egress in existing buildings, including path of travel, required egress width, means of egress doors and emergency escape openings.

Chapter 7 establishes the minimum requirements for fire safety facilities and fire protection systems, as these are essential fire safety systems.

**Chapter 8 Referenced Standards.** The code contains numerous references to standards that are used to regulate materials and methods of construction. Chapter 8 contains a comprehensive list of all standards that are referenced in the code. The standards are part of the code to the extent of the reference to the standard. Compliance with the referenced standard is necessary for compliance with this code. By providing specifically adopted standards, the construction and installation requirements necessary for compliance with the code can be readily determined. The basis for code compliance is, therefore, established and available on an equal basis to the code official, contractor, designer and owner.

Chapter 8 is organized in a manner that makes it easy to locate specific standards. It lists all of the referenced standards, alphabetically, by acronym of the promulgating agency of the standard. Each agency's standards are then listed in either alphabetical or numeric order based upon the standard identification. The list also contains the title of the standard; the edition (date) of the standard referenced; any addenda included as part of the ICC adoption; and the section or sections of this code that reference the standard.

# ORDINANCE

The *International Codes* are designed and promulgated to be adopted by reference by ordinance. Jurisdictions wishing to adopt the 2009 *International Property Maintenance Code* as an enforceable regulation governing existing structures and premises should ensure that certain factual information is included in the adopting ordinance at the time adoption is being considered by the appropriate governmental body. The following sample adoption ordinance addresses several key elements of a code adoption ordinance, including the information required for insertion into the code text.

## SAMPLE ORDINANCE FOR ADOPTION OF THE *INTERNATIONAL PROPERTY MAINTENANCE CODE* ORDINANCE NO. \_\_\_\_\_

An ordinance of the [JURISDICTION] adopting the 2009 edition of the *International Property Maintenance Code*, regulating and governing the conditions 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, and the demolition of such existing structures in the [JURISDICTION]; providing for the issuance of permits and collection of fees therefor; repealing Ordinance No. \_\_\_\_\_ of the [JURISDICTION] and all other ordinances and parts of the ordinances in conflict therewith.

The [GOVERNING BODY] of the [JURISDICTION] does ordain as follows:

**Section 1.** That a certain document, three (3) copies of which are on file in the office of the [TITLE OF JURISDICTION'S KEEPER OF RECORDS] of [NAME OF JURISDICTION], being marked and designated as the *International Property Maintenance Code*, 2009 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the [JURISDICTION], in the State of [STATE NAME] for regulating and governing the conditions 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, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the [JURISDICTION] are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

**Section 2.** The following sections are hereby revised:

Section 101.1. Insert: [NAME OF JURISDICTION]

Section 103.5. Insert: [APPROPRIATE SCHEDULE]

Section 112.4. Insert: [DOLLAR AMOUNT IN TWO LOCATIONS]

Section 302.4. Insert: [HEIGHT IN INCHES]

Section 304.14. Insert: [DATES IN TWO LOCATIONS]

Section 602.3. Insert: [DATES IN TWO LOCATIONS]

Section 602.4. Insert: [DATES IN TWO LOCATIONS]

**Section 3.** That Ordinance No. \_\_\_\_\_ of [JURISDICTION] entitled [FILL IN HERE THE COMPLETE TITLE OF THE ORDINANCE OR ORDINANCES IN EFFECT AT THE PRESENT TIME SO THAT THEY WILL BE REPEALED BY DEFINITE MENTION] and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 4.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The [GOVERNING BODY] hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 5.** That nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**Section 6.** That the [JURISDICTION'S KEEPER OF RECORDS] is hereby ordered and directed to cause this ordinance to be published. (An additional provision may be required to direct the number of times the ordinance is to be published and to specify that it is to be in a newspaper in general circulation. Posting may also be required.)

**Section 7.** That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect [TIME PERIOD] from and after the date of its final passage and adoption.

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# CHAPTER 1

## SCOPE AND ADMINISTRATION

### ■ PART 1—SCOPE AND APPLICATION

#### SECTION 101 GENERAL

**101.1 Title.** These regulations shall be known as the *International Property Maintenance Code* of [NAME OF JURISDICTION], hereinafter referred to as “this code.”

**101.2 Scope.** The provisions of this code shall apply to all existing residential and nonresidential structures and all existing *premises* and constitute minimum requirements and standards for *premises*, structures, equipment and facilities for light, *ventilation*, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of *owners*, *operators* and *occupants*; the *occupancy* of existing structures and *premises*, and for administration, enforcement and penalties.

**101.3 Intent.** This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued *occupancy* and maintenance of structures and *premises*. Existing structures and *premises* that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

**101.4 Severability.** If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

#### SECTION 102 APPLICABILITY

**102.1 General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

**102.2 Maintenance.** Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or *premises* was constructed, altered or repaired shall be maintained in good working order. No *owner*, *operator* or *occupant* shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the *owner* or the *owner's* designated agent shall be

responsible for the maintenance of buildings, structures and *premises*.

**102.3 Application of other codes.** Repairs, additions or alterations to a structure, or changes of *occupancy*, shall be done in accordance with the procedures and provisions of the *International Building Code*, *International Fuel Gas Code*, *International Mechanical Code* and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the *International Zoning Code*.

**102.4 Existing remedies.** The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and insanitary.

**102.5 Workmanship.** Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a *workmanlike* manner and installed in accordance with the manufacturer's installation instructions.

**102.6 Historic buildings.** The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the *code official* to be safe and in the public interest of health, safety and welfare.

**102.7 Referenced codes and standards.** The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

**Exception:** Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

**102.8 Requirements not covered by code.** Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the *code official*.

**102.9 Application of references.** References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

**102.10 Other laws.** The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

## PART 2—ADMINISTRATION AND ENFORCEMENT

### SECTION 103 DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

**103.1 General.** The department of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the *code official*.

**103.2 Appointment.** The *code official* shall be appointed by the chief appointing authority of the jurisdiction.

**103.3 Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the *code official* shall have the authority to appoint a deputy(s). Such employees shall have powers as delegated by the *code official*.

**103.4 Liability.** The *code official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The *code official* or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

**103.5 Fees.** The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule.

[JURISDICTION TO INSERT APPROPRIATE SCHEDULE.]

### SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL

**104.1 General.** The *code official* is hereby authorized and directed to enforce the provisions of this code. The *code official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

**104.2 Inspections.** The *code official* shall make all of the required inspections, or shall accept reports of inspection by *approved agencies* or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such *approved agency* or by the responsible individual. The *code official* is authorized to engage such expert opinion as

deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

**104.3 Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the *code official* has reasonable cause to believe that there exists in a *structure* or upon a *premises* a condition in violation of this code, the *code official* is authorized to enter the structure or *premises* at reasonable times to inspect or perform the duties imposed by this code, provided that if such *structure* or *premises* is occupied the *code official* shall present credentials to the *occupant* and request entry. If such structure or *premises* is unoccupied, the *code official* shall first make a reasonable effort to locate the *owner* or other person having charge or control of the *structure* or *premises* and request entry. If entry is refused, the *code official* shall have recourse to the remedies provided by law to secure entry.

**104.4 Identification.** The *code official* shall carry proper identification when inspecting *structures* or *premises* in the performance of duties under this code.

**104.5 Notices and orders.** The *code official* shall issue all necessary notices or orders to ensure compliance with this code.

**104.6 Department records.** The *code official* shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

### SECTION 105 APPROVAL

**105.1 Modifications.** Whenever there are practical difficulties involved in carrying out the provisions of this code, the *code official* shall have the authority to grant modifications for individual cases upon application of the *owner* or *owner's* representative, provided the *code official* shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

**105.2 Alternative materials, methods and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material or method of construction shall be *approved* where the *code official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

**105.3 Required testing.** Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for

alternative materials or methods, the *code official* shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

**105.3.1 Test methods.** Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *code official* shall be permitted to approve appropriate testing procedures performed by an *approved agency*.

**105.3.2 Test reports.** Reports of tests shall be retained by the *code official* for the period required for retention of public records.

**105.4 Used material and equipment.** The use of used materials which meet the requirements of this code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and *approved* by the *code official*.

**105.5 Approved materials and equipment.** Materials, equipment and devices *approved* by the *code official* shall be constructed and installed in accordance with such approval.

**105.6 Research reports.** Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved sources*.

## SECTION 106 VIOLATIONS

**106.1 Unlawful acts.** It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

**106.2 Notice of violation.** The *code official* shall serve a notice of violation or order in accordance with Section 107.

**106.3 Prosecution of violation.** Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *code official* shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful *occupancy* of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such *premises* shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

**106.4 Violation penalties.** Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**106.5 Abatement of violation.** The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, cor-

rect or abate a violation, or to prevent illegal *occupancy* of a building, structure or *premises*, or to stop an illegal act, conduct, business or utilization of the building, structure or *premises*.

## SECTION 107 NOTICES AND ORDERS

**107.1 Notice to person responsible.** Whenever the *code official* determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.

**107.2 Form.** Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *dwelling unit* or structure into compliance with the provisions of this code.
5. Inform the property *owner* of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 106.3.

**107.3 Method of service.** Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

**107.4 Unauthorized tampering.** Signs, tags or seals posted or affixed by the *code official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *code official*.

**107.5 Penalties.** Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

**107.6 Transfer of ownership.** It shall be unlawful for the *owner* of any *dwelling unit* or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such *dwelling unit* or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *code official* and shall furnish to the *code official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and

fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

## SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

**108.1 General.** When a structure or equipment is found by the *code official* to be unsafe, or when a structure is found unfit for human *occupancy*, or is found unlawful, such structure shall be *condemned* pursuant to the provisions of this code.

**108.1.1 Unsafe structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the structure by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

**108.1.2 Unsafe equipment.** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the *premises* or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or *occupants* of the *premises* or structure.

**108.1.3 Structure unfit for human occupancy.** A structure is unfit for human *occupancy* whenever the *code official* finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the *occupants* of the structure or to the public.

**108.1.4 Unlawful structure.** An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

**108.1.5 Dangerous structure or premises.** For the purpose of this code, any structure or *premises* that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect*, abandonment, vandalism or by any other cause to such an extent that it is

likely to partially or completely collapse, or to become *detached* or dislodged.

4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so *anchored*, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and *occupancy*.
7. The building or structure is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the *approved* building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, *ventilation*, mechanical or plumbing system, or otherwise, is determined by the *code official* to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the *code official* to be a threat to life or health.
11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

**108.2 Closing of vacant structures.** If the structure is vacant and unfit for human habitation and *occupancy*, and is not in danger of structural collapse, the *code official* is authorized to

post a placard of condemnation on the *premises* and order the structure closed up so as not to be an attractive nuisance. Upon failure of the *owner* to close up the *premises* within the time specified in the order, the *code official* shall cause the *premises* to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

**108.2.1 Authority to disconnect service utilities.** The *code official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The *code official* shall notify the serving utility and, whenever possible, the *owner* and *occupant* of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the *owner* or *occupant* of the building structure or service system shall be notified in writing as soon as practical thereafter.

**108.3 Notice.** Whenever the *code official* has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the *owner* or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

**108.4 Placarding.** Upon failure of the *owner* or person responsible to comply with the notice provisions within the time given, the *code official* shall post on the *premises* or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the *premises*, operating the equipment or removing the placard.

**108.4.1 Placard removal.** The *code official* shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the *code official* shall be subject to the penalties provided by this code.

**108.5 Prohibited occupancy.** Any occupied structure condemned and placarded by the *code official* shall be vacated as ordered by the *code official*. Any person who shall occupy a placarded *premises* or shall operate placarded equipment, and any *owner* or any person responsible for the *premises* who shall let anyone occupy a placarded *premises* or operate placarded equipment shall be liable for the penalties provided by this code.

**108.6 Abatement methods.** The *owner*, *operator* or *occupant* of a building, *premises* or equipment deemed unsafe by the *code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

**108.7 Record.** The *code official* shall cause a report to be filed on an unsafe condition. The report shall state the *occupancy* of the structure and the nature of the unsafe condition.

## SECTION 109 EMERGENCY MEASURES

**109.1 Imminent danger.** When, in the opinion of the *code official*, there is *imminent danger* of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building *occupants* or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the *code official* is hereby authorized and empowered to order and require the *occupants* to vacate the *premises* forthwith. The *code official* shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

**109.2 Temporary safeguards.** Notwithstanding other provisions of this code, whenever, in the opinion of the *code official*, there is *imminent danger* due to an unsafe condition, the *code official* shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the *code official* deems necessary to meet such emergency.

**109.3 Closing streets.** When necessary for public safety, the *code official* shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, *public ways* and places adjacent to unsafe structures, and prohibit the same from being utilized.

**109.4 Emergency repairs.** For the purposes of this section, the *code official* shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

**109.5 Costs of emergency repairs.** Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the *owner* of the *premises* where the unsafe structure is or was located for the recovery of such costs.

**109.6 Hearing.** Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

## SECTION 110 DEMOLITION

**110.1 General.** The *code official* shall order the *owner* of any *premises* upon which is located any structure, which in the *code official* judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occu-

pancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the *owner's* option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the *code official* shall order the *owner* to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless *approved* by the building official.

**110.2 Notices and orders.** All notices and orders shall comply with Section 107.

**110.3 Failure to comply.** If the *owner* of a *premises* fails to comply with a demolition order within the time prescribed, the *code official* shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

**110.4 Salvage materials.** When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

## SECTION 111 MEANS OF APPEAL

**111.1 Application for appeal.** Any person directly affected by a decision of the *code official* or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

**111.2 Membership of board.** The board of appeals shall consist of a minimum of three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The *code official* shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.

**111.2.1 Alternate members.** The chief appointing authority shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate mem-

bers shall possess the qualifications required for board membership.

**111.2.2 Chairman.** The board shall annually select one of its members to serve as chairman.

**111.2.3 Disqualification of member.** A member shall not hear an appeal in which that member has a personal, professional or financial interest.

**111.2.4 Secretary.** The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

**111.2.5 Compensation of members.** Compensation of members shall be determined by law.

**111.3 Notice of meeting.** The board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.

**111.4 Open hearing.** All hearings before the board shall be open to the public. The appellant, the appellant's representative, the *code official* and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds of the board membership.

**111.4.1 Procedure.** The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

**111.5 Postponed hearing.** When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

**111.6 Board decision.** The board shall modify or reverse the decision of the *code official* only by a concurring vote of a majority of the total number of appointed board members.

**111.6.1 Records and copies.** The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the *code official*.

**111.6.2 Administration.** The *code official* shall take immediate action in accordance with the decision of the board.

**111.7 Court review.** Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

**111.8 Stays of enforcement.** Appeals of notice and orders (other than *Imminent Danger* notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

## SECTION 112 STOP WORK ORDER

**112.1 Authority.** Whenever the *code official* finds any work regulated by this code being performed in a manner contrary to

the provisions of this code or in a dangerous or unsafe manner, the *code official* is authorized to issue a stop work order.

**112.2 Issuance.** A stop work order shall be in writing and shall be given to the *owner* of the property, to the *owner's agent*, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

**112.3 Emergencies.** Where an emergency exists, the *code official* shall not be required to give a written notice prior to stopping the work.

**112.4 Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.



## CHAPTER 2

# DEFINITIONS

### SECTION 201 GENERAL

**201.1 Scope.** Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

**201.2 Interchangeability.** Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

**201.3 Terms defined in other codes.** Where terms are not defined in this code and are defined in the *International Building Code*, *International Fire Code*, *International Zoning Code*, *International Plumbing Code*, *International Mechanical Code* or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

**201.4 Terms not defined.** Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

**201.5 Parts.** Whenever the words “*dwelling unit*,” “*dwelling*,” “*premises*,” “*building*,” “*rooming house*,” “*rooming unit*,” “*housekeeping unit*” or “*story*” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

### SECTION 202 GENERAL DEFINITIONS

**ANCHORED.** Secured in a manner that provides positive connection.

**APPROVED.** *Approved by the code official.*

**BASEMENT.** That portion of a building which is partly or completely below grade.

**BATHROOM.** A room containing plumbing fixtures including a bathtub or shower.

**BEDROOM.** Any room or space used or intended to be used for sleeping purposes in either a dwelling or *sleeping unit*.

**CODE OFFICIAL.** The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

**CONDEMN.** To adjudge unfit for *occupancy*.

**DETACHED.** When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

**DETERIORATION.** To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

**[B] DWELLING UNIT.** A single unit providing complete, independent living facilities for one or more persons, including

permanent provisions for living, sleeping, eating, cooking and sanitation.

**EASEMENT.** That portion of land or property reserved for present or future use by a person or agency other than the legal fee *owner(s)* of the property. The *easement* shall be permitted to be for use under, on or above a said lot or lots.

**EQUIPMENT SUPPORT.** Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

**EXTERIOR PROPERTY.** The open space on the *premises* and on adjoining property under the control of *owners* or *operators* of such *premises*.

**GARBAGE.** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**GUARD.** A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

**HABITABLE SPACE.** Space in a structure for living, sleeping, eating or cooking. *Bathrooms*, *toilet rooms*, closets, halls, storage or utility spaces, and similar areas are not considered *habitable spaces*.

**HOUSEKEEPING UNIT.** A room or group of rooms forming a single *habitable space* equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

**IMMINENT DANGER.** A condition which could cause serious or life-threatening injury or death at any time.

**INFESTATION.** The presence, within or contiguous to, a structure or *premises* of insects, rats, vermin or other pests.

**INOPERABLE MOTOR VEHICLE.** A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

**LABELED.** Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

**LET FOR OCCUPANCY OR LET.** To permit, provide or offer possession or *occupancy* of a dwelling, *dwelling unit*, *rooming unit*, building, premise or structure by a person who is or is not the legal *owner* of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a

## DEFINITIONS

recorded or unrecorded agreement of contract for the sale of land.

**NEGLECT.** The lack of proper maintenance for a building or structure.

**OCCUPANCY.** The purpose for which a building or portion thereof is utilized or occupied.

**OCCUPANT.** Any individual living or sleeping in a building, or having possession of a space within a building.

**OPENABLE AREA.** That part of a window, skylight or door which is available for unobstructed *ventilation* and which opens directly to the outdoors.

**OPERATOR.** Any person who has charge, care or control of a structure or *premises* which is let or offered for *occupancy*.

**OWNER.** Any person, agent, *operator*, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**PERSON.** An individual, corporation, partnership or any other group acting as a unit.

**PEST ELIMINATION.** The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other *approved pest elimination* methods.

**PREMISES.** A lot, plot or parcel of land, *easement* or *public way*, including any structures thereon.

**PUBLIC WAY.** Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

**ROOMING HOUSE.** A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

**ROOMING UNIT.** Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

**RUBBISH.** Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, *yard* trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

**[B] SLEEPING UNIT.** A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a *dwelling unit* are not *sleeping units*.

**STRICT LIABILITY OFFENSE.** An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the

defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

**STRUCTURE.** That which is built or constructed or a portion thereof.

**TENANT.** A person, corporation, partnership or group, whether or not the legal *owner* of record, occupying a building or portion thereof as a unit.

**TOILET ROOM.** A room containing a water closet or urinal but not a bathtub or shower.

**ULTIMATE DEFORMATION.** The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

**VENTILATION.** The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

**WORKMANLIKE.** Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

**YARD.** An open space on the same lot with a structure.

## CHAPTER 3

# GENERAL REQUIREMENTS

### SECTION 301 GENERAL

**301.1 Scope.** The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and *exterior property*.

**301.2 Responsibility.** The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy *premises* which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit*, *rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit*, *rooming unit*, *housekeeping unit* or *premises* which they occupy and control.

**301.3 Vacant structures and land.** All vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

### SECTION 302 EXTERIOR PROPERTY AREAS

**302.1 Sanitation.** All *exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* which such *occupant* occupies or controls in a clean and sanitary condition.

**302.2 Grading and drainage.** All *premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

**Exception:** *Approved* retention areas and reservoirs.

**302.3 Sidewalks and driveways.** All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

**302.4 Weeds.** All *premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of (jurisdiction to insert height in inches). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the

property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

**302.5 Rodent harborage.** All structures and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

**302.6 Exhaust vents.** Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another *tenant*.

**302.7 Accessory structures.** All accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair.

**302.8 Motor vehicles.** Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any *premises*, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth.

**Exception:** A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and *approved* for such purposes.

**302.9 Defacement of property.** No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

### SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

**303.1 Swimming pools.** Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

**303.2 Enclosures.** Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure

## GENERAL REQUIREMENTS

shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

**Exception:** Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

### SECTION 304 EXTERIOR STRUCTURE

**304.1 General.** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

**304.1.1 Unsafe conditions.** The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects;

10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.

#### Exceptions:

1. When substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

**304.2 Protective treatment.** All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

**[F] 304.3 Premises identification.** Buildings shall have *approved* address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

**304.4 Structural members.** All structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

**304.5 Foundation walls.** All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be

kept in such condition so as to prevent the entry of rodents and other pests.

**304.6 Exterior walls.** All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.

**304.7 Roofs and drainage.** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

**304.8 Decorative features.** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

**304.9 Overhang extensions.** All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**304.10 Stairways, decks, porches and balconies.** Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

**304.11 Chimneys and towers.** All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**304.12 Handrails and guards.** Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

**304.13 Window, skylight and door frames.** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

**304.13.1 Glazing.** All glazing materials shall be maintained free from cracks and holes.

**304.13.2 Openable windows.** Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

**304.14 Insect screens.** During the period from [DATE] to [DATE], every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of not less than 16 mesh per inch (16

mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

**Exception:** Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

**304.15 Doors.** All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to *dwelling units* and *sleeping units* shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

**304.16 Basement hatchways.** Every *basement* hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

**304.17 Guards for basement windows.** Every *basement* window that is openable shall be supplied with rodent shields, storm windows or other *approved* protection against the entry of rodents.

**304.18 Building security.** Doors, windows or hatchways for *dwelling units*, room units or *housekeeping units* shall be provided with devices designed to provide security for the *occupants* and property within.

**304.18.1 Doors.** Doors providing access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

**304.18.2 Windows.** Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a window sash locking device.

**304.18.3 Basement hatchways.** *Basement* hatchways that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

## SECTION 305 INTERIOR STRUCTURE

**305.1 General.** The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. *Occupants* shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every *owner* of a structure containing a *rooming house*, *housekeeping units*, a hotel, a dormitory, two or more *dwelling units* or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and *exterior property*.

**305.1.1 Unsafe conditions.** The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *Inter-*

*national Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including *guards* and handrails, are not structurally sound, not properly *anchored* or are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.

**Exceptions:**

1. When substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

**305.2 Structural members.** All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

**305.3 Interior surfaces.** All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

**305.4 Stairs and walking surfaces.** Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

**305.5 Handrails and guards.** Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

**305.6 Interior doors.** Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

**SECTION 306  
COMPONENT SERVICEABILITY**

**306.1 General.** The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

**306.1.1 Unsafe conditions.** Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:
  - 1.1. Collapse of footing or foundation system;
  - 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion;
  - 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
  - 1.4. Inadequate soil as determined by a geotechnical investigation;
  - 1.5. Where the allowable bearing capacity of the soil is in doubt; or
  - 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
2. Concrete that has been subjected to any of the following conditions:
  - 2.1. *Deterioration*;
  - 2.2. *Ultimate deformation*;
  - 2.3. Fractures;
  - 2.4. Fissures;
  - 2.5. Spalling;
  - 2.6. Exposed reinforcement; or
  - 2.7. *Detached*, dislodged or failing connections.
3. Aluminum that has been subjected to any of the following conditions:
  - 3.1. *Deterioration*;
  - 3.2. Corrosion;
  - 3.3. Elastic deformation;
  - 3.4. *Ultimate deformation*;
  - 3.5. Stress or strain cracks;
  - 3.6. Joint fatigue; or
  - 3.7. *Detached*, dislodged or failing connections.

4. Masonry that has been subjected to any of the following conditions:
  - 4.1. *Deterioration*;
  - 4.2. *Ultimate deformation*;
  - 4.3. Fractures in masonry or mortar joints;
  - 4.4. Fissures in masonry or mortar joints;
  - 4.5. Spalling;
  - 4.6. Exposed reinforcement; or
  - 4.7. *Detached*, dislodged or failing connections.
5. Steel that has been subjected to any of the following conditions:
  - 5.1. *Deterioration*;
  - 5.2. Elastic deformation;
  - 5.3. *Ultimate deformation*;
  - 5.4. Metal fatigue; or
  - 5.5. *Detached*, dislodged or failing connections.
6. Wood that has been subjected to any of the following conditions:
  - 6.1. *Ultimate deformation*;
  - 6.2. *Deterioration*;
  - 6.3. Damage from insects, rodents and other vermin;
  - 6.4. Fire damage beyond charring;
  - 6.5. Significant splits and checks;
  - 6.6. Horizontal shear cracks;
  - 6.7. Vertical shear cracks;
  - 6.8. Inadequate support;
  - 6.9. *Detached*, dislodged or failing connections; or
  - 6.10. Excessive cutting and notching.

**Exceptions:**

1. When substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

### SECTION 307 HANDRAILS AND GUARDRAILS

**307.1 General.** Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have *guards*. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. *Guards* shall not be less than

30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

**Exception:** *Guards* shall not be required where exempted by the adopted building code.

### SECTION 308 RUBBISH AND GARBAGE

**308.1 Accumulation of rubbish or garbage.** All *exterior property* and *premises*, and the interior of every structure, shall be free from any accumulation of *rubbish* or garbage.

**308.2 Disposal of rubbish.** Every *occupant* of a structure shall dispose of all *rubbish* in a clean and sanitary manner by placing such *rubbish* in *approved* containers.

**308.2.1 Rubbish storage facilities.** The *owner* of every occupied *premises* shall supply *approved* covered containers for *rubbish*, and the *owner* of the *premises* shall be responsible for the removal of *rubbish*.

**308.2.2 Refrigerators.** Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on *premises* without first removing the doors.

**308.3 Disposal of garbage.** Every *occupant* of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an *approved* garbage disposal facility or *approved* garbage containers.

**308.3.1 Garbage facilities.** The *owner* of every dwelling shall supply one of the following: an *approved* mechanical food waste grinder in each *dwelling unit*; an *approved* incinerator unit in the structure available to the *occupants* in each *dwelling unit*; or an *approved* leakproof, covered, outside garbage container.

**308.3.2 Containers.** The *operator* of every establishment producing garbage shall provide, and at all times cause to be utilized, *approved* leakproof containers provided with close-fitting covers for the storage of such materials until removed from the *premises* for disposal.

### SECTION 309 PEST ELIMINATION

**309.1 Infestation.** All structures shall be kept free from insect and rodent *infestation*. All structures in which insects or rodents are found shall be promptly exterminated by *approved* processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

**309.2 Owner.** The *owner* of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

**309.3 Single occupant.** The *occupant* of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the *premises*.

**309.4 Multiple occupancy.** The *owner* of a structure containing two or more *dwelling units*, a multiple *occupancy*, a *rooming house* or a nonresidential structure shall be responsible for

## GENERAL REQUIREMENTS

extermination in the public or shared areas of the structure and exterior property. If *infestation* is caused by failure of an *occupant* to prevent such *infestation* in the area occupied, the *occupant* and *owner* shall be responsible for extermination.

**309.5 Occupant.** The *occupant* of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

**Exception:** Where the *infestations* are caused by defects in the structure, the *owner* shall be responsible for extermination.

## CHAPTER 4

# LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

### SECTION 401 GENERAL

**401.1 Scope.** The provisions of this chapter shall govern the minimum conditions and standards for light, *ventilation* and space for occupying a structure.

**401.2 Responsibility.** The *owner* of the structure shall provide and maintain light, *ventilation* and space conditions in compliance with these requirements. A person shall not occupy as *owner-occupant*, or permit another person to occupy, any *premises* that do not comply with the requirements of this chapter.

**401.3 Alternative devices.** In lieu of the means for natural light and *ventilation* herein prescribed, artificial light or mechanical *ventilation* complying with the *International Building Code* shall be permitted.

### SECTION 402 LIGHT

**402.1 Habitable spaces.** Every *habitable space* shall have at least one window of *approved* size facing directly to the outdoors or to a court. The minimum total glazed area for every *habitable space* shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

**Exception:** Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m<sup>2</sup>). The exterior glazing area shall be based on the total floor area being served.

**402.2 Common halls and stairways.** Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m<sup>2</sup>) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 footcandle (11 lux) at floors, landings and treads.

**402.3 Other spaces.** All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe *occupancy* of the space and utilization of the appliances, equipment and fixtures.

### SECTION 403 VENTILATION

**403.1 Habitable spaces.** Every *habitable space* shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1.

**Exception:** Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m<sup>2</sup>). The *ventilation* openings to the outdoors shall be based on a total floor area being ventilated.

**403.2 Bathrooms and toilet rooms.** Every *bathroom* and *toilet room* shall comply with the *ventilation* requirements for *habitable spaces* as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical *ventilation* system. Air exhausted by a mechanical *ventilation* system from a *bathroom* or *toilet room* shall discharge to the outdoors and shall not be recirculated.

**403.3 Cooking facilities.** Unless *approved* through the certificate of *occupancy*, cooking shall not be permitted in any *rooming unit* or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the *rooming unit* or dormitory unit.

#### Exceptions:

1. Where specifically *approved* in writing by the *code official*.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

**403.4 Process ventilation.** Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust *ventilation* system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

**403.5 Clothes dryer exhaust.** Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions.

**Exception:** Listed and *labeled* condensing (ductless) clothes dryers.

### SECTION 404 OCCUPANCY LIMITATIONS

**404.1 Privacy.** *Dwelling units*, hotel units, *housekeeping units*, *rooming units* and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

**404.2 Minimum room widths.** A habitable room, other than a kitchen, shall not be less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet (914 mm) between counterfronts and appliances or counterfronts and walls.

**404.3 Minimum ceiling heights.** *Habitable spaces*, hallways, corridors, laundry areas, *bathrooms*, *toilet rooms* and habitable *basement* areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

**Exceptions:**

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not more than 6 inches (152 mm) below the required ceiling height.
2. *Basement* rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches (2033 mm) with not less than 6 feet 4 inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet (1524 mm) or more shall be included.

**404.4 Bedroom and living room requirements.** Every *bedroom* and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

**404.4.1 Room area.** Every living room shall contain at least 120 square feet (11.2 m<sup>2</sup>) and every *bedroom* shall contain at least 70 square feet (6.5 m<sup>2</sup>).

**404.4.2 Access from bedrooms.** *Bedrooms* shall not constitute the only means of access to other *bedrooms* or *habitable spaces* and shall not serve as the only means of egress from other *habitable spaces*.

**Exception:** Units that contain fewer than two *bedrooms*.

**404.4.3 Water closet accessibility.** Every *bedroom* shall have access to at least one water closet and one lavatory without passing through another *bedroom*. Every *bedroom* in a *dwelling unit* shall have access to at least one water closet and lavatory located in the same story as the *bedroom* or an adjacent story.

**404.4.4 Prohibited occupancy.** Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

**404.4.5 Other requirements.** *Bedrooms* shall comply with the applicable provisions of this code including, but not limited to, the light, *ventilation*, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

**404.5 Overcrowding.** The number of persons occupying a *dwelling unit* shall not create conditions that, in the opinion of the *code official*, endanger the life, health, safety or welfare of the *occupants*.

**404.6 Efficiency unit.** Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than two *occupants* shall have a clear floor area of not less than 220 square feet (20.4 m<sup>2</sup>). A unit occupied by three *occupants* shall have a clear floor area of not less than 320 square feet (29.7 m<sup>2</sup>). These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and *ventilation* conforming to this code shall be provided.
3. The unit shall be provided with a separate *bathroom* containing a water closet, lavatory and bathtub or shower.
4. The maximum number of *occupants* shall be three.

**404.7 Food preparation.** All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

## CHAPTER 5

# PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

### SECTION 501 GENERAL

**501.1 Scope.** The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

**501.2 Responsibility.** The *owner* of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any structure or *premises* which does not comply with the requirements of this chapter.

### [P] SECTION 502 REQUIRED FACILITIES

**502.1 Dwelling units.** Every *dwelling unit* shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

**502.2 Rooming houses.** At least one water closet, lavatory and bathtub or shower shall be supplied for each four *rooming units*.

**502.3 Hotels.** Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten *occupants*.

**502.4 Employees' facilities.** A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

**502.4.1 Drinking facilities.** Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in *toilet rooms* or *bathrooms*.

**502.5 Public toilet facilities.** Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the *International Plumbing Code*. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during *occupancy* of the *premises*.

### [P] SECTION 503 TOILET ROOMS

**503.1 Privacy.** *Toilet rooms* and *bathrooms* shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared *bathrooms* and *toilet rooms* in a multiple dwelling.

**503.2 Location.** *Toilet rooms* and *bathrooms* serving hotel units, *rooming units* or dormitory units or *housekeeping units*, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

**503.3 Location of employee toilet facilities.** Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

**Exception:** Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

**503.4 Floor surface.** In other than *dwelling units*, every *toilet room* floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

### [P] SECTION 504 PLUMBING SYSTEMS AND FIXTURES

**504.1 General.** All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

**504.2 Fixture clearances.** Plumbing fixtures shall have adequate clearances for usage and cleaning.

**504.3 Plumbing system hazards.** Where it is found that a plumbing system in a structure constitutes a hazard to the *occupants* or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, *deterioration* or damage or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

### SECTION 505 WATER SYSTEM

**505.1 General.** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an *approved* private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the *International Plumbing Code*.

**[P] 505.2 Contamination.** The water supply shall be maintained free from contamination, and all water inlets for plumb-

ing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

**505.3 Supply.** The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

**505.4 Water heating facilities.** Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas-burning water heater shall not be located in any *bathroom, toilet room, bedroom* or other occupied room normally kept closed, unless adequate combustion air is provided. An *approved* combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

#### [P] SECTION 506 SANITARY DRAINAGE SYSTEM

**506.1 General.** All plumbing fixtures shall be properly connected to either a public sewer system or to an *approved* private sewage disposal system.

**506.2 Maintenance.** Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

**506.3 Grease interceptors.** Where it has been determined that a grease interceptor is not being maintained and serviced as intended by this code and the manufacturer's instructions, an *approved* interceptor monitoring system shall be provided or a maintenance program shall be established with documentation submitted to the *code official*.

#### [P] SECTION 507 STORM DRAINAGE

**507.1 General.** Drainage of roofs and paved areas, yards and courts, and other open areas on the *premises* shall not be discharged in a manner that creates a public nuisance.

## CHAPTER 6

# MECHANICAL AND ELECTRICAL REQUIREMENTS

### SECTION 601 GENERAL

**601.1 Scope.** The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

**601.2 Responsibility.** The *owner* of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any *premises* which does not comply with the requirements of this chapter.

### SECTION 602 HEATING FACILITIES

**602.1 Facilities required.** Heating facilities shall be provided in structures as required by this section.

**602.2 Residential occupancies.** Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms* based on the winter outdoor design temperature for the locality indicated in Appendix D of the *International Plumbing Code*. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

**Exception:** In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

**602.3 Heat supply.** Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from [DATE] to [DATE] to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

#### Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

**602.4 Occupiable work spaces.** Indoor occupiable work spaces shall be supplied with heat during the period from

[DATE] to [DATE] to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

#### Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

**602.5 Room temperature measurement.** The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

### SECTION 603 MECHANICAL EQUIPMENT

**603.1 Mechanical appliances.** All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

**603.2 Removal of combustion products.** All fuel-burning equipment and appliances shall be connected to an *approved* chimney or vent.

**Exception:** Fuel-burning equipment and appliances which are *labeled* for unvented operation.

**603.3 Clearances.** All required clearances to combustible materials shall be maintained.

**603.4 Safety controls.** All safety controls for fuel-burning equipment shall be maintained in effective operation.

**603.5 Combustion air.** A supply of air for complete combustion of the fuel and for *ventilation* of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

**603.6 Energy conservation devices.** Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless *labeled* for such purpose and the installation is specifically *approved*.

### SECTION 604 ELECTRICAL FACILITIES

**604.1 Facilities required.** Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

**604.2 Service.** The size and usage of appliances and equipment shall serve as a basis for determining the need for additional

facilities in accordance with NFPA 70. *Dwelling units* shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

**604.3 Electrical system hazards.** Where it is found that the electrical system in a structure constitutes a hazard to the *occupants* or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, *deterioration* or damage, or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

**604.3.1 Abatement of electrical hazards associated with water exposure.** The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

**604.3.1.1 Electrical equipment.** Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the *International Building Code*.

**Exception:** The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated 600 volts or less;
2. Busway, rated 600 volts or less;
3. Panelboards, rated 600 volts or less;
4. Switchboards, rated 600 volts or less;
5. Fire pump controllers, rated 600 volts or less;
6. Manual and magnetic motor controllers;
7. Motor control centers;
8. Alternating current high-voltage circuit breakers;
9. Low-voltage power circuit breakers;
10. Protective relays, meters and current transformers;
11. Low- and medium-voltage switchgear;
12. Liquid-filled transformers;
13. Cast-resin transformers;
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
16. Luminaires that are listed as submersible;
17. Motors;

18. Electronic control, signaling and communication equipment.

**604.3.2 Abatement of electrical hazards associated with fire exposure.** The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

**604.3.2.1 Electrical equipment.** Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the *International Building Code*.

**Exception:** Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

## SECTION 605 ELECTRICAL EQUIPMENT

**605.1 Installation.** All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and *approved* manner.

**605.2 Receptacles.** Every *habitable space* in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every *bathroom* shall contain at least one receptacle. Any new *bathroom* receptacle outlet shall have ground fault circuit interrupter protection.

**605.3 Luminaires.** Every public hall, interior stairway, *toilet room*, kitchen, *bathroom*, laundry room, boiler room and furnace room shall contain at least one electric luminaire.

## SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS

**606.1 General.** Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building operator or be posted in a publicly conspicuous location *approved* by the *code official*. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

**606.2 Elevators.** In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

**Exception:** Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

**SECTION 607  
DUCT SYSTEMS**

**607.1 General.** Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.



## CHAPTER 7

# FIRE SAFETY REQUIREMENTS

### SECTION 701 GENERAL

**701.1 Scope.** The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior *premises*, including fire safety facilities and equipment to be provided.

**701.2 Responsibility.** The *owner* of the *premises* shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any *premises* that do not comply with the requirements of this chapter.

### [F] SECTION 702 MEANS OF EGRESS

**702.1 General.** A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the *public way*. Means of egress shall comply with the *International Fire Code*.

**702.2 Aisles.** The required width of aisles in accordance with the *International Fire Code* shall be unobstructed.

**702.3 Locked doors.** All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *International Building Code*.

**702.4 Emergency escape openings.** Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

### [F] SECTION 703 FIRE-RESISTANCE RATINGS

**703.1 Fire-resistance-rated assemblies.** The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

**703.2 Opening protectives.** Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

### [F] SECTION 704 FIRE PROTECTION SYSTEMS

**704.1 General.** All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the *International Fire Code*.

**704.1.1 Automatic sprinkler systems.** Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25.

**704.2 Smoke alarms.** Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of *occupant* load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of *bedrooms*.
2. In each room used for sleeping purposes.
3. In each story within a *dwelling unit*, including *basements* and cellars but not including crawl spaces and uninhabitable attics. In dwellings or *dwelling units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single- or multiple-station smoke alarms shall be installed in other groups in accordance with the *International Fire Code*.

**704.3 Power source.** In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

**Exception:** Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or *basement* available which could provide access for building wiring without the removal of interior finishes.

**704.4 Interconnection.** Where more than one smoke alarm is required to be installed within an individual *dwelling unit* in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible

## FIRE SAFETY REQUIREMENTS

in all *bedrooms* over background noise levels with all intervening doors closed.

### Exceptions:

1. Interconnection is not required in buildings which are not undergoing alterations, repairs or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or *basement* available which could provide access for interconnection without the removal of interior finishes.

## CHAPTER 8

# REFERENCED STANDARDS

This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 102.7.

<div style="display: flex; justify-content: space-between;"> <span style="font-size: 2em; font-weight: bold;">ASME</span> <div style="text-align: right;">                     American Society of Mechanical Engineers                      Three Park Avenue                      New York, NY 10016-5990                 </div> </div>		
Standard reference number	Title	Referenced in code section number
A17.1/CSA B44—2007	Safety Code for Elevators and Escalators . . . . .	.606.1

<div style="display: flex; justify-content: space-between;"> <span style="font-size: 2em; font-weight: bold;">ASTM</span> <div style="text-align: right;">                     ASTM International                      100 Barr Harbor Drive                      West Conshohocken, PA 19428-2959                 </div> </div>		
Standard reference number	Title	Referenced in code section number
F1346—91 (2003)	Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs . . . . .	.303.2

<div style="display: flex; justify-content: space-between;"> <span style="font-size: 2em; font-weight: bold;">ICC</span> <div style="text-align: right;">                     International Code Council                      500 New Jersey Avenue, NW                      6th Floor                      Washington, DC 20001                 </div> </div>		
Standard reference number	Title	Referenced in code section number
IBC—09	International Building Code® . . . . .	.102.3, 201.3, 401.3, 702.3
IFC—09	International Fire Code® . . . . .	.201.3, 604.3.1.1, 604.3.2.1, 702.1, 702.2, 704.1, 704.2
IEBC—09	International Existing Building Code® . . . . .	.305.1.1, 306.1.1
IFGC—09	International Fuel Gas Code® . . . . .	.102.3
IMC—09	International Mechanical Code® . . . . .	.102.3, 201.3
IPC—09	International Plumbing Code® . . . . .	.201.3, 505.1, 602.2, 602.3
IYC—09	International Zoning Code® . . . . .	.102.3, 201.3

<div style="display: flex; justify-content: space-between;"> <span style="font-size: 2em; font-weight: bold;">NFPA</span> <div style="text-align: right;">                     National Fire Protection Association                      1 Batterymarch Park                      Quincy, MA 02269                 </div> </div>		
Standard reference number	Title	Referenced in code section number
25—08	Inspection, Testing and Maintenance of Water-based Fire Protection Systems . . . . .	.704.1.1
70—08	National Electrical Code . . . . .	.102.4, 201.3, 604.2



## APPENDIX A

# BOARDING STANDARD

*The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.*

### A101 GENERAL

**A101.1 General.** All windows and doors shall be boarded in an *approved* manner to prevent entry by unauthorized persons and shall be painted to correspond to the color of the existing structure.

### A102 MATERIALS

**A102.1 Boarding sheet material.** Boarding sheet material shall be minimum  $\frac{1}{2}$ -inch (12.7 mm) thick wood structural panels complying with the *International Building Code*.

**A102.2 Boarding framing material.** Boarding framing material shall be minimum nominal 2-inch by 4-inch (51 mm by 102 mm) solid sawn lumber complying with the *International Building Code*.

**A102.3 Boarding fasteners.** Boarding fasteners shall be minimum  $\frac{3}{8}$ -inch (9.5 mm) diameter carriage bolts of such a length as required to penetrate the assembly and as required to adequately attach the washers and nuts. Washers and nuts shall comply with the *International Building Code*.

### A103 INSTALLATION

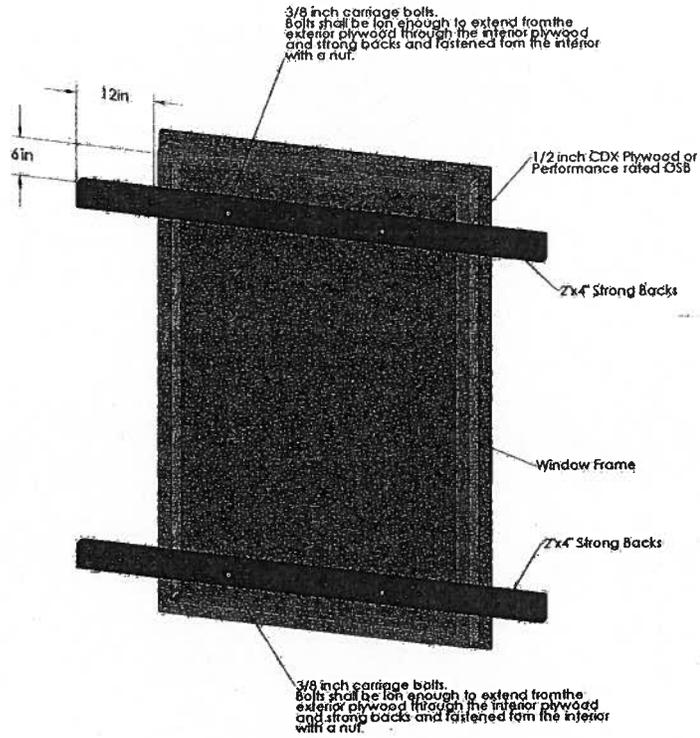
**A103.1 Boarding installation.** The boarding installation shall be in accordance with Figures A103.1(1) and A103.1(2) and Sections A103.2 through A103.5.

**A103.2 Boarding sheet material.** The boarding sheet material shall be cut to fit the door or window opening neatly or shall be cut to provide an equal overlap at the perimeter of the door or window.

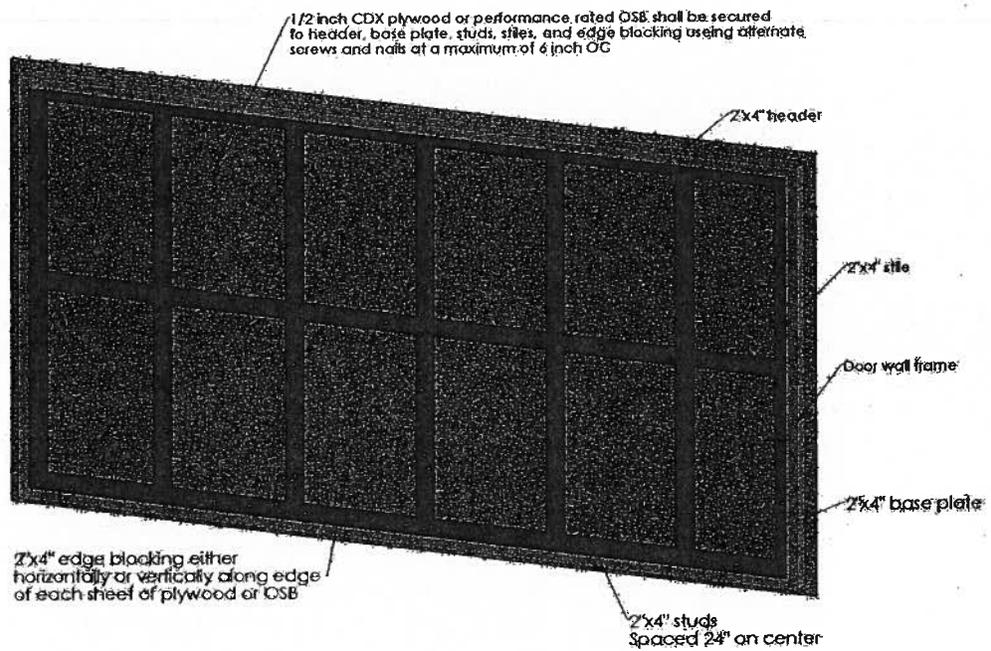
**A103.3 Windows.** The window shall be opened to allow the carriage bolt to pass through or the window sash shall be removed and stored. The 2-inch by 4-inch (51 mm by 102 mm) strong back framing material shall be cut minimum 2 inches (51 mm) wider than the window opening and shall be placed on the inside of the window opening 6 inches minimum above the bottom and below the top of the window opening. The framing and boarding shall be predrilled. The assembly shall be aligned and the bolts, washers and nuts shall be installed and secured.

**A103.4 Door walls.** The door opening shall be framed with minimum 2-inch by 4-inch (51 mm by 102 mm) framing material secured at the entire perimeter and vertical members at not more than 24 inches (610 mm) on center. Blocking shall also be secured at not more than 48 inches (1219 mm) on center vertically. Boarding sheet material shall be secured with screws and nails alternating every 6 inches (152 mm) on center.

**A103.5 Doors.** Doors shall be secured by the same method as for windows or door openings. One door to the structure shall be available for authorized entry and shall be secured and locked in an *approved* manner.



**FIGURE A103.1(1)**  
**BOARDING OF DOOR OR WINDOW**



**FIGURE A103.1(2)**  
**BOARDING OF DOOR WALL**

**Village of Glen Ellyn**

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**Ordinance No. \_\_\_\_\_ -VC**

**An Ordinance Amending Chapter 2 of Title 5 (Fire Regulations)  
of the Village Code of the Village of Glen Ellyn, Illinois  
Adopting the 2009 Life Safety Code  
with Local Amendments**

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**Adopted by the  
President and the Board of Trustees  
of the  
Village of Glen Ellyn  
DuPage County, Illinois  
This \_\_\_\_\_ Day of \_\_\_\_\_, 20 \_\_\_\_.**

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**Published in pamphlet form by the authority of the  
President and Board of Trustees of the Village of  
Glen Ellyn, DuPage County, Illinois, this  
day of \_\_\_\_\_, 20 \_\_\_\_.**

**An Ordinance Amending Chapter 2 of Title 5 (Fire Regulations)  
of the Village Code of the Village of Glen Ellyn, Illinois  
Adopting the 2009 Life Safety Code  
with Local Amendments**

**Whereas**, the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois, pursuant to the provisions of Division 30 of Article 11 of the Illinois Municipal Code (Chapter 65, Section 5/11-30-1 et seq. of the Illinois Compiled Statutes), have the power and authority to prescribe fire protection standards for buildings, structures and land for the purpose of avoiding hazards to persons and damage to property, to promote the public health and life safety of building occupants and the public, to ensure that buildings and structures are safe and fit for occupation and use, and to remove hazardous materials and correct dangerous conditions; and

**Whereas**, the President and Board of Trustees of the Village of Glen Ellyn passed Resolution No. 02-22, A Resolution to Establish a Building Code Adoption Policy for the Village of Glen Ellyn on September 9, 2002 to establish a framework in which the Village will consider the adoption of up-to-date building codes at the time of each newly published edition; and

**Whereas**, the 2009 Life Safety Code has been published by the National Fire Protection Association for the intended use by municipalities and local fire protection agencies in regulating and governing conditions hazardous to life and property from fire, escape from buildings and fire protective building features and systems; and

**Whereas,** the 2009 Life Safety Code is generally regarded as the reference standard used by local fire protection agencies to conduct fire prevention inspections and determine the minimum fire protection requirements in existing buildings; and

**Whereas,** the Office of the State Fire Marshall has adopted and amended the 2000 Life Safety Code, which is equivalent to the 2009 Life Safety Code, and issued a notification to municipalities and fire districts that it is the responsibility and duty of local governmental authorities to ensure the standards established in the 2000 Life Safety Code are being followed or to adopt a code that provides equivalent fire safety; and

**Whereas,** the Glen Ellyn Building Board of Appeals conducted public meetings on June 7, 2010 and August 2, 2010, for the purpose of considering an amendment to Chapter 2 of Title 5 (Fire Regulations) of the Glen Ellyn Village Code to adopt the 2009 Life Safety Code with amendments which are attached hereto as Exhibit "A"; and

**Whereas,** the Building Board of Appeals has made its recommendations, as set forth in the Minutes of the Glen Ellyn Building Board of Appeals dated June 7, 2010 and August 2, 2010, drafts which are attached hereto as group Exhibit "B"; and

**Whereas,** the President and Board of Trustees of the Village of Glen Ellyn have considered the recommendations of the Building Board of Appeals as set forth in its draft Minutes dated June 7, 2010 and August 2, 2010 which are attached hereto as group Exhibit "B"; and

**Whereas,** the President and Board of Trustees deem it to be in the best interest of the Village of Glen Ellyn to adopt the proposed amendments to Chapter 2 of Title 5 (Fire Regulations) of the Glen Ellyn Village Code as recommended by the Building Board of Appeals in order to adopt the 2009 Life Safety Code with local amendments, which are attached hereto as Exhibit "A", as the

standards and regulations governing conditions hazardous to life and property from fire, escape from buildings and fire protective features and systems for all property, buildings and structures within the fire district of the Glen Ellyn Volunteer Fire Company and within the Village of Glen Ellyn.

**Now, Therefore, be it Ordained by the President and Board of Trustees of the Village of Glen Ellyn, DuPage County, Illinois,** in the exercise of its home rule powers as follows:

**Section One:** Chapter 2 of Title 5 (Fire Regulations) of the Glen Ellyn Village Code shall be and is hereby amended as set forth in Exhibit "A Clean", attached hereto.

**Section Two:** This Ordinance shall be in full force and effect from and after October 1, 2010 to allow time for notification of the public.

**Passed** by the President and Board of Trustees of the Village of Glen Ellyn, Illinois, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

**Ayes:**

**Nays:**

**Absent:**

**Approved** by the Village President of the Village of Glen Ellyn, Illinois, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Village President of the  
Village of Glen Ellyn, Illinois

**Attest:**

\_\_\_\_\_  
Village Clerk of the  
Village of Glen Ellyn, Illinois

(Published in pamphlet form and posted on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_).

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**Exhibit A (with text format and comments)**  
**The 2009 NFPA 101 Life Safety Code**  
**As Adopted and Amended by the Village of Glen Ellyn, Illinois**

Text format:

**Normal** – change number and description or existing text in the Life Safety Code to remain

**Bold** – new code section, new amendment or new text inserted into the Village Code or Life Safety Code

~~Strikethrough~~ – existing text in the Village Code or Life Safety Code to be removed

*Italics* – comments that will be removed from final ordinance document

Add new Village Code Section 5-2-2 to read as follows:

**5-2-2 ADOPTION OF THE 2009 NFPA 101 LIFE SAFETY CODE.**

- (A) The 2009 NFPA 101 Life Safety Code is adopted by reference as the standards and regulations for governing conditions hazardous to life and property from fire, escape from buildings and fire protective building features and systems as this code is intended, recommended, maintained and published by the National Fire Protection Association except such portions thereof that are deleted, modified, or amended in this chapter. At least one copy of the 2009 NFPA 101 Life Safety Code shall be maintained on file in the office of the village clerk for inspection and copying as a public record.**

*Comments: This reflects the general intent and purpose of the Life Safety Code as published in Section 1.1 Scope and is standard language consistent with prior adoption ordinances.*

- (B) The provisions of the 2009 NFPA 101 Life Safety Code are hereby deleted, modified and amended as follows:**

1. Amend Section 2.2 to read as follows:

2.2 NFPA Publications. National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169-7471. **NFPA 101, Life Safety Code, 2000 edition, as amended by the State of Illinois in the Administrative Code, Title 41, Chapter I, Part 100, Section 100.7(b).**

*Comments: The Office of the State Fire Marshall has amended some sections of the 2000 code edition regarding child care facilities, egress and permanently moored vessels that are applicable and should be referenced in the 2009 edition.*

2. Delete Chapter 24 One and Two Family Dwellings in its entirety  
~~Chapter 24 One and Two Family Dwellings~~

*Comments:*

*The State of Illinois allows municipalities the option of deleting this chapter. This chapter establishes minimum standards for means of escape, combustibile wall and ceiling finishes and smoke detection systems in existing single family dwellings. Hazardous conditions within existing single family dwellings are addressed in the 2009 International Property Maintenance Code Section 108 "Unsafe Structures and Equipment". Smoke detection system standards are specified in Illinois Statute (425 ILCS 10) "Facilities Requiring Smoke Detectors Act" and (425 ILCS 60) "Smoke Detector Act".*

**Exhibit A (clean)**  
**The 2009 NFPA 101 Life Safety Code**  
**As Adopted and Amended by the Village of Glen Ellyn, Illinois**

Add new Village Code Section 5-2-2 to read as follows:

**5-2-2 ADOPTION OF THE 2009 NFPA 101 LIFE SAFETY CODE.**

- (A) The 2009 NFPA 101 Life Safety Code is adopted by reference as the standards and regulations for governing conditions hazardous to life and property from fire, escape from buildings and fire protective building features and systems as this code is intended, recommended, maintained and published by the National Fire Protection Association except such portions thereof that are deleted, modified, or amended in this chapter. At least one copy of the 2009 NFPA 101 Life Safety Code shall be maintained on file in the office of the village clerk for inspection and copying as a public record.
- (B) The provisions of the 2009 NFPA 101 Life Safety Code are hereby deleted, modified and amended as follows:
1. Amend Section 2.2 to read as follows:  
2.2 NFPA Publications. National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169-7471. NFPA 101, Life Safety Code, 2000 edition, as amended by the State of Illinois in the Administrative Code, Title 41, Chapter I, Part 100, Section 100.7(b).
  2. Delete Chapter 24 One and Two Family Dwellings in its entirety

## EXHIBIT B

### DRAFT BUILDING BOARD OF APPEALS MINUTES AUGUST 2, 2010

The meeting was called to order by Chairman James Ryan at 7:25 p.m. Board members Todd Hanssen, John Lustrup, and Scott Raffensparger were present. Also present were Trustee Liaison Peter Cooper (substituting for Trustee Carl Henninger), Building and Zoning Official Joe Kvapil and Recording Secretary Barbara Utterback.

Board Member Raffensparger moved, seconded by Board Member Lustrup, to approve the minutes of the June 7, 2010 Building Board of Appeals meeting. The motion carried unanimously by voice vote.

Mr. Kvapil distributed and reviewed a handout of responses from Village Attorney Stewart Diamond to questions from the BBA regarding the International Property Maintenance Code and the Life Safety Code. Attorney Diamond's responses are as follows:

Regarding selective code enforcement (International Property Code Maintenance), Mr. Kvapil stated that Attorney Diamond responded that the Village has the ability to disregard a complaint ("prosecutorial discretion") if appropriate.

Regarding code provisions that could be considered excessive or a hardship to certain homeowners (International Property Maintenance Code), Mr. Kvapil stated that Attorney Diamond has stated that the Village may use its own discretion in these types of issues.

Regarding Court review (International Property Maintenance Code), Mr. Kvapil stated that Mr. Diamond suggests deleting Section 111.7 in its entirety because it is unnecessary to provide unsolicited legal advice to the public. The BBA members agreed with this recommendation.

Regarding Right of entry (104.3)/Search warrant (International Property Maintenance Code), Mr. Kvapil stated that Attorney Diamond has stated that building inspectors have gotten into trouble when they sought inspections without search warrants. Attorney Diamond added that it is a violation of the ordinance for an individual to impede free access to a structure when the Village has a search warrant. Attorney Diamond also was in favor of including a proposed new Section 104.3.1 regarding search warrants. The BBA members agreed to leave Section 104.3, Right of entry, in the code and add new Section 104.3.1, Search warrant, to the code.

Regarding Overcrowding (Section 404.5) and Efficiency unit (Section 404.6), Mr. Kvapil stated that Attorney Diamond believes a unique situation could arise where these sections would apply and, therefore, recommended keeping those sections in the code. The BBA members agreed to leave Sections 404.5 and 404.6 in the code.

Regarding perpetual adoption of State codes (Life Safety Code), Mr. Kvapil stated that Mr. Diamond felt that automatic adoption of code provisions is a highly questionable practice as codes should be reviewed prior to adoption. The BBA members decided not to automatically adopt codes without prior review.

#### MOTION 1

Board Member Raffensparger moved, seconded by Board Member Hanssen, to recommend that the Village Board approve the adoption of the 2009 ICC International Property Maintenance Code with amendments as recommended by the Building Board of Appeals to be incorporated as a text amendment into the Village Code, Title 4, Building Regulations, Chapter 1, Building Code, Section 11, Adoption of the International Property Maintenance Code (Exhibit A of the ordinance). The motion carried unanimously with four (4) "yes" votes as follows: Board Members Raffensparger, Hanssen, Lustrup and Chairman Ryan voted yes.

#### MOTION 2

Board Member Raffensparger moved, seconded by Board Member Hanssen, to recommend that the Village Board approve the adoption of the 2009 NFPA 101 Life Safety Code with amendments (Exhibit A of the ordinance) as recommended by the Building Board of Appeals to be incorporated as a text amendment into the Village Code, Title 5, Fire Regulations, Chapter 2, Fire Prevention Code, Section 2 Adoption of the Life Safety Code. The motion carried unanimously with four (4) "yes" votes as follows: Board Members Raffensparger, Hanssen, Lustrup and Chairman Ryan voted yes.

BUILDING BOARD OF APPEALS  
MINUTES  
JUNE 7, 2010

The meeting was called to order by Chairman James Ryan at 7:30 p.m. Board members Thomas Bredfeldt, John Lustrup, and Scott Raffensparger were present. Also present were Trustee Liaison Carl Henninger, Building and Zoning Official Joe Kvapil, Plan Reviewer Paula Moritz and Recording Secretary Barbara Utterback.

Board Member Raffensparger moved, seconded by Board Member Lustrup, to approve the minutes of the May 3, 2010 Building Board of Appeals meeting. The motion carried unanimously by voice vote.

Mr. Kvapil reviewed changes to the BBA schedule which included moving the Monday, July 5 meeting to Thursday, July 8, 2010 and moving the Monday, September 6 meeting to Tuesday, September 7, 2010.

2009 ICC INTERNATIONAL PROPERTY MAINTENANCE CODE. CONTINUED DISCUSSION, CONSIDERATION AND RECOMMENDATIONS REGARDING A PROPOSED ORDINANCE TO ADOPT AND AMEND THE 2009 ICC INTERNATIONAL PROPERTY MAINTENANCE CODE TO BE INCORPORATED AS A TEXT AMENDMENT INTO THE VILLAGE CODE, TITLE 4, BUILDING REGULATIONS, CHAPTER 1, BUILDING CODE, SECTION 11, ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE.

Building and Zoning Official Joe Kvapil reviewed the changes to the proposed amendments to the 2009 ICC International Property Maintenance Code as discussed at the prior public meeting on May 3, 2010:

Add to new Village Code Section 4-1-11 Adoption of the International Property Maintenance Code, (B) 1. 102.7, "Exception: All reference to the International Existing Building Code shall be deleted." The reason for adding this exception is because the Existing Building Code is not being adopted because the provisions in the Existing Building Code are adequately addressed in other codes being adopted.

Delete Section 103.5 Fees. Mr. Kvapil explained that the activities and services performed under the International Property Maintenance Code are generally enforcement related. Fees are difficult to determine under those circumstances but can be recaptured through building permit costs or court fines.

Regarding adding new Section 104.3.1 Search Warrant, Mr. Kvapil stated that he is waiting for the Village Attorney to respond with an opinion on this subject.

Section 106.4 Violation Penalties was deleted in its entirety and new wording was substituted. Mr. Kvapil added to this section, "Each day that a violation continues after

due notice has been served shall be deemed a separate offense.” Mr. Kvapil explained that the additional language is standard wording that should be included in this section.

Amended Section 109.5 Cost of Emergency Repairs and Temporary Safeguards was moved to another location regarding costs.

Regarding deleting Section 111.7 Court Review, Mr. Kvapil stated that he is waiting for the Village Attorney to respond with an opinion on this subject.

Section 112.4 Failure to Comply was amended, and Mr. Kvapil added to this section, “Each day that a violation continues after due notice has been served shall be deemed a separate offense.” Mr. Kvapil explained that the additional language is standard wording that should be included in this section.

Section 202 Code Official was amended to add the following to the definition “...under the direction and approval of the Director of Planning & Development or the Village Manager.” Mr. Kvapil explained that this amendment was made to include additional oversight of the Code Official’s actions following a BBA discussion regarding the Code Official’s autonomy.

Section 302.2 Grading and Drainage was amended to insert additional language that is more specific (in quotation marks) as follows: All premises shall be graded “and suitable vegetation or ground cover shall be established” and maintained to prevent the erosion of soil “by water or wind action” and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Removed Section 302.10 Dead Vegetation because Mr. Kvapil felt that this section should be included in the Tree Preservation Ordinance rather than the maintenance code. This topic will be deferred to the Environmental Commission who will soon undertake a review of the Tree Preservation Ordinance.

Section 302.11 Corner Lot Landscaping was renumbered to Section 302.10 Corner Lot Landscaping.

Section 302.12 Composting was renumbered to 302.11, and a change was made to limit the compost area or container to .5% of the lot area. Mr. Bredfelt commented that residents should be encouraged to mulch. After some discussion, the BBA decided that a height limit of 4 feet for the compost area should be to this section.

Section 302.13 Outdoor Storage was amended as follows (words in quotes replace existing words): The following items are allowed to be stored outdoors when located in the rear yard and set back a minimum of 10% of the lot width, but not less than 6.5 feet, from any property line; rubbish and garbage in approved refuse containers, firewood not to exceed two face cords, lawn furniture and ornaments, outdoor cooking equipment, recreational equipment and construction equipment and materials required for “a current construction project.”

Section 302.14 Holiday Decorations was amended to add a time limit for display of not more than 60 days. This change was made to be consistent with the Sign Code.

Section 304.7 Roofs and Drainage was amended to add the words in quotes to this section: Roof water, ground water or water within "sump pits," pools, spas or other containers...

Chairman Ryan suggested deleting Section 305 Interior Structure in its entirety. He had a concern with government entering peoples' homes and referenced peeling paint which is a violation of the IPMC. Trustee Henninger brought up safety issues related to hoarders, and Mr. Kvapil responded that the Village addresses outsides of homes only. Mr. Lustrup suggested retaining Section 305.1 General only instead of the entire section, and the BBA members agreed with this recommendation.

Regarding deleting Section 404.5 Overcrowding and Section 404.6 Efficiency Unit, Mr. Kvapil stated that he is waiting for the Village Attorney to respond with an opinion on these sections.

Mr. Kvapil responded to Chairman Ryan that he also forwarded to the Village Attorney a request for his comments regarding a potential dilemma if the Village adopts the code but is unable to enforce the code due to a lack of staff. Mr. Kvapil advised the BBA members that he will forward the Village Attorney's responses to them as soon as those responses are received.

2009 NFPA 101 LIFE SAFETY CODE. DISCUSSION, CONSIDERATION AND RECOMMENDATIONS REGARDING A PROPOSED ORDINANCE TO ADOPT AND AMEND THE 2009 NFPA LIFE SAFETY CODE TO BE INCORPORATED AS A TEXT AMENDMENT INTO THE VILLAGE CODE, TITLE 5 FIRE REGULATIONS, CHAPTER 2 FIRE PREVENTION CODE, SECTION 1 ADOPTION OF THE LIFE SAFETY CODE.

Building and Zoning Official Joe Kvapil reviewed proposed changes to the 2009 NFPA 101 Life Safety Code.

Add new Section 5-2-2: "5-2-2 Adoption of the NFPA 101 Life Safety Code, 2009.  
(A) The 2009 NFPA 101 Life Safety Code is adopted by reference as the standards and regulations for governing conditions hazardous to life and property from fire, escape from buildings and fire protective building features and systems as this code is intended, recommended, maintained and published by the National Fire Protection Association except such portions thereof that are deleted, modified or amended in this chapter. At least one copy of the 2009 NFPA 101 Life Safety Code shall be maintained on file in the office of the Village Clerk for inspection and copying as a public record." This language is standard and consistent with prior adoption ordinances.

(B) The provisions of the 2009 NFPA 101 Life Safety Code are hereby deleted, modified and amended as follows:

Amend Section 2.2 by adding the language in quotes:

2.2 NFPA Publications. National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169-7471. "NFPA 101, Life Safety Code, 2000 Edition, as amended by the State of Illinois in the Administrative Code, Title 41, Chapter 1, Part 100, Section 100.7(b)." These are the referenced publications. The State of Illinois adopted the 2000 edition of the Life Safety Code with amendments, and the Village is obligated to also adopt those amendments as part of the 2009 code.

Chairman Ryan asked if amendments adopted by the State of Illinois can be included in the codes adopted by the Village without review by the BBA. Mr. Kvapil will check with the Village Attorney for his opinion on this matter.

Delete Chapter 24 One and Two Family Dwellings in its entirety because several other codes adequately regulate these structures. The State of Illinois has amended the 2000 Life Safety Code to allow municipalities the option of deleting this chapter.

Mr. Kvapil added that it is important for the Village to adopt the 2009 NFPA 101 Life Safety Code because that code will aid the Fire Department in completing annual fire prevention inspections in commercial and multi-family buildings. Chief Raffensparger added that the Life Safety Code covers much more area than fire issues. Mr. Kvapil responded to Mr. Bredfeldt that smoke detectors, extinguishers, etc., are covered in several codes adopted by the Village.

#### Staff Report

Mr. Kvapil stated that the next BBA meeting will be held on Thursday, July 8, 2010.

#### Trustee Report

Trustee Henninger stated that the Village Board is currently working on forming a permanent downtown organization. He also reviewed some items recently before the Village Board and the locations of some areas of road construction improvement scheduled for this summer.

There being no further business before the Building Board of Appeals, the meeting was adjourned at 8:50 p.m.

Submitted by  
Barbara Utterback

Reviewed by  
Joe Kvapil, Building & Zoning Official

BUILDING BOARD OF APPEALS  
MINUTES  
MAY 3, 2010

The meeting was called to order by Chairman James Ryan at 7:31 p.m. Board members Thomas Bredfeldt, Todd Hanssen, John Lustrup, James McGinley and Scott Raffensparger were present. Also present were Trustee Liaison Carl Henninger, Building and Zoning Official Joe Kvapil, Plan Reviewer Paula Moritz and Recording Secretary Barbara Utterback.

The purpose of the meeting was to consider recommendations regarding a proposed ordinance to adopt and amend the 2009 ICC International Property Maintenance Code to be incorporated as a text amendment into the Village Code, Title 4, Building Regulations, Chapter 1, Building Code, Section 11, Adoption of the International Property Maintenance Code.

As the new liaison to the BBA, Joe Kvapil, Building and Zoning Official, introduced himself and provided a brief history of his work and Village experience.

2009 ICC INTERNATIONAL PROPERTY MAINTENANCE CODE. DISCUSSION, CONSIDERATION AND RECOMMENDATIONS REGARDING A PROPOSED ORDINANCE TO ADOPT AND AMEND THE 2009 ICC INTERNATIONAL PROPERTY MAINTENANCE CODE TO BE INCORPORATED AS A TEXT AMENDMENT INTO THE VILLAGE CODE, TITLE 4, BUILDING REGULATIONS, CHAPTER 1, BUILDING CODE, SECTION 11, ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE.

Chairman Ryan asked Mr. Kvapil to explain the rationale for adopting the Property Maintenance Code. Mr. Kvapil responded that adopting the Property Maintenance Code will establish minimum standards for the occupancy and use of buildings regarding maintenance conditions, the structure, environmental conditions inside a building, nuisances at a building that cause problems for the neighbors/neighborhood and safety issues. Mr. Kvapil estimated that approximately 90 percent of municipalities adopt 50 percent of the nationally recognized ICC codes. Mr. Kvapil added that the ICC Life Safety Code is also proposed to be adopted. Chairman Ryan commented that a change in a code generally happens when a problem occurs. Mr. Kvapil stated that although there is not a significant maintenance problem in the Village, there is a lack of adequate provisions in the Village Code to address property maintenance regulation. The BBA members initially were not supportive of adopting the Property Maintenance Code because of its restrictive nature. Mr. McGinley expressed concern regarding items in the proposed code such as the ability to enter homes and stated that the Village will take on a lot of additional responsibility if the proposed code is adopted. Mr. Kvapil responded that the part-time property inspector will assume the primary responsibility for addressing complaints and that the Property Maintenance Code will be used as an enforcement tool. Mr. Kvapil responded to Chairman Ryan that the property inspector currently performs approximately 20-25 inspections per month, and he responded to Mr. McGinley that the

inspections are not tracked according to type. Mr. Lustrup asked if the property inspector's primary responsibility will be responses to complaints or if he will perform random inspections, and Mr. Kvapil replied that the property inspector's primary responsibility will be response to complaints which come from various sources/departments. Mr. Hanssen commented that although the Property Maintenance Code addresses nuisances, it also contains a lot of other very detailed information (size of windows, size of ventilation, glazing on windows, etc.) that is excessive. Mr. Kvapil responded that staff size will not allow the code to be enforced to at that level of detail. Chairman Ryan stated that staff could be required to enforce any item in the code because the code has been adopted. Mr. Kvapil stated he will research that issue but believes staff has discretion in enforcing the provisions of the code and must remain consistent with regard to enforcement. Mr. Lustrup was concerned that although the current staff does not intend to enforce all of the regulations, future staff could decide to enforce all of the regulations. Mr. Kvapil responded to Mr. McGinley that the majority of municipalities in the Chicagoland area have adopted the Property Maintenance Code. Mr. Kvapil also responded to Mr. Bredfeldt that he did not know how other communities enforce the Property Maintenance Code. Mr. McGinley added that Skokie has a program that assists homeowners who cannot afford to make repairs to their homes which indicates that city's level of enforcement. Trustee Henninger added that the Downtown Strategic Plan and one of the Village Board's strategic priorities call for the adoption of a property maintenance code. He also stated that the Property Maintenance Code could be customized for the downtown. Chairman Ryan suggested separate property maintenance codes for commercial and residential properties.

Mr. Kvapil reviewed 40 proposed amendments to the International Code Council (ICC) Property Maintenance Code (IPMC) and the BBA members offered comments as follows:

Delete Section 4-1-10 Local Amendments, (C) Emergency Demolition, 1. Hazardous Structure, 2. Immediate Danger Demolition, 3. Lien, from the Village Code because it is covered in a more comprehensive manner in the Property Maintenance Code. Mr. Lustrup commented that the Property Maintenance Code grants too much authority to the Code Official, and Mr. Kvapil responded that the code could be amended to grant additional oversight and that decisions can be appealed to the BBA. The BBA agreed with Mr. Kvapil's suggestion to add "subject to approval of the Director of Planning and Development or Village Manager in addition to the Code Official" to Sections 108 (Unsafe Structures and Equipment), 109 (Emergency Measures) and 110 (Demolition) of the Property Maintenance Code.

Add new Village Code Section: "4-1-11, Adoption of the International Property Maintenance Code. The ICC International Property Maintenance Code, 2009 is adopted by reference as the standards and regulations for the maintenance of all property, buildings and structures as this code is intended, recommended, maintained and published by the International Code Council except such portions thereof that are deleted, modified or amended in this chapter. At least one copy of the IC 2009 International

Property Maintenance Code shall be maintained on file in the office of the Village Clerk for inspection and copying as a public record.”

(B) Amend the following provisions of the ICC 2009 International Property Maintenance Code:

Add new section to the Property Maintenance Code regarding referencing codes and standards. The ICC Plumbing Code, Zoning Code and existing Building Code are not proposed to be adopted by the Village. Therefore, create a section that states that wherever in the Property Maintenance Code reference is made to the International Plumbing Code, substitute “the Plumbing Code, Department of Public Health, State of Illinois”; wherever in the IPMC reference is made to the International Zoning Code, substitute “the Zoning Code, Title 10 of the Village Code of the Village of Glen Ellyn, Illinois”; and wherever in the IPMC reference is made to the International existing Building Code, the reference shall be deleted.

Delete Section 103.1 in its entirety and substitute the following to correct references to the municipal organization names: “103.1 General. Where referenced in this code, the Department of Property Maintenance shall be the Planning and Development Department of the Village of Gen Ellyn and the Code Official shall be the Building and Zoning Official of the Village of Glen Ellyn.”

Regarding Section 103.5 Fees, Mr. Kvapil responded to a Board Member that there are no property maintenance fees for inspections and, therefore, that section should be deleted in its entirety.

Add new Section 104.3.1 as follows: “104.3.1 Search Warrant. If the Code Official is refused entry after a reasonable attempt to obtain consent to enter the premises to make an inspection, the Code Official may seek in the Circuit Court of DuPage County a search warrant. An owner, occupant or other person in charge of a dwelling, structure or property subject to the provisions of this code who is presented with a search warrant obtained pursuant to this section shall not refuse, impede, inhibit, interfere with, restrict or obstruct entry and free access to any part of the structure or premises where an inspection authorized by search warrant is sought to be made.” Mr. Kvapil stated that when a property owner is uncooperative, incorporating this section into the Property Maintenance Code may simplify the process. Mr. McGinley stated that some communities that have adopted the IPMC conduct random inspections which residential homeowners can refuse. He expressed a concern that the addition of this section gives the Village the right to enter homes with or without consent from the homeowner. Mr. Kvapil responded that this proposed section of the IPMC will give the Village the ability to enter a home if the Village demonstrates to the court a valid reason to believe that the property is in violation of the code or that a dangerous condition may exist. He added that including the term “search warrant” in the IPMC will be more effective than the threat of other legal action in gaining access to a building. Chairman Ryan preferred that this proposed section apply to multi-family and commercial buildings only and not single-family homes. Because this section does not grant more power to the Village than already exists, most BBA members were generally in agreement with this amendment.

Delete Section 106.4 in its entirety and substitute the following: "106.4 Violation Penalties. Any person who violates a provision of this code shall, upon conviction thereof, be subject to a fine of not less than \$50.00 nor more than \$750.00 unless a fine for the violation of this code is listed in the Village Code of Glen Ellyn, Illinois, then the more stringent shall apply. Each day that a violation continues after due notice has been served shall be deemed a separate offense." Mr. Kvapil stated that this amendment adds language and fine amounts consistent with the language through the Village Code.

Add new Section 108.2.2 as follows: "108.2.2 Closing Safeguards. Vacant structures that are ordered to be closed and secured shall have all doors, windows and openings completely covered and securely fastened with solid weather resistant material to temporarily prevent access to the premises. The covering material shall match or be painted to match the general color of the structure." Mr. Kvapil responded to Chairman Ryan that painting the covering material is for appearance purposes. Mr. Kvapil stated that Appendix A, "Boarding Standards," of the IPMC is excessive and will not be adopted by the Village.

Amend Section 109.5 to insert the following: "109.5 Cost of Emergency Repairs and Temporary Safeguards. Costs incurred in the performance of emergency work and temporary safeguards shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure or condition is or was located for the recovery of such costs." Mr. Kvapil stated that upon the failure of an owner to provide safeguards in a specified time, the code official can have a building closed, and this amendment is proposed to be added to cover Village costs associated with temporary safeguards. Although some BBA members suggested possibly including placing a lien on property, they were in general agreement with this amendment.

Delete Sections 111.2, 111.3, 111.4, 111.5 and 111.6 in their entirety because the structure, responsibilities, and procedures of the BBA are established in Title 2, Chapter 7, of the Village Code. The BBA members were in agreement with these amendments.

Sections 111.7 and 111.8 regarding Court Review and Stays of Enforcement will be forwarded to the Village Attorney for review.

Amend Section 112.4 Failure to Comply to insert fine amounts. "112.4 Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$50.00 dollars or more than \$750.00 dollars." Mr. Kvapil stated that the court generally asks the Village for a dollar amount recommendation.

Add new Section 302.2.1: "302.2.1 Groundcover. The premises shall be covered with turf grass, groundcover plants or other approved vegetation or materials and maintained in good condition to prevent soil erosion by water or wind action." Chairman Ryan asked

if a list of approved vegetation materials was available, and Mr. Kvapil replied no and explained that "approved" means acceptable to the authority with jurisdiction.

Delete Section 302.4 in its entirety and substitute the following: "302.4 Weeds. The control of weeds shall be in accordance with Title 12, Chapter 7 of the Village Code of Glen Ellyn, Illinois. Mr. Kvapil displayed Title 12, Chapter 7 of the Village Code.

Delete Section 302.8 in its entirety and substitute the following: "302.8 Motor Vehicles. The control of abandoned vehicles shall be in accordance with Title 7, Chapter 8 of the Village Code of Glen Ellyn, Illinois." Mr. Kvapil displayed Title 7, Chapter 8 of the Village Code.

Add new Section 302.10 as follows: "302.10 Dead Vegetation. Any vegetation, shrub or tree that is dead and in the opinion of the Code official is no longer capable of providing erosion control or may cause property damage or personal injury shall be removed by the owner of the premises."

Add new Section 302.11 as follows: "302.11 Corner Lot Landscaping. All landscaping on corner lots within the visibility triangle shall be maintained in accordance with the Zoning Code, Chapter 5, Section 5(B)2, Title 10 of the Village Code of Glen Ellyn, Illinois." Mr. Kvapil explained that this section is proposed to be added to the IPMC in order to regulate the height of landscaping at corners for safety purposes regarding sight lines. Mr. Kvapil illustrated the area of the "visibility corner" for the BBA members.

Add new Section 302.12 as follows: "302.12 Composting. Yard waste materials from the premises and adjoining parkway may be placed in a compost pile or container intended for composting use. The placement of materials other than grass, vegetation or leaves in a compost pile or container which attracts animals or vermin or which causes an obnoxious odor is prohibited. One compost pile or container shall be permitted on a zoning lot and shall not exceed .5% of the lot area. A compost pile or container is only permitted in the rear yard and set back a minimum distance of 5% of the lot width but not less than 3 feet from any property line and not less than 30 feet from any neighboring residential dwelling and shall not be placed in a utility or storm water easement or in any location that obstructs the natural flow of storm water runoff." Mr. Kvapil stated that staff occasionally receives complaints regarding compost piles. Mr. Kvapil responded to Chairman Ryan that there are no regulations currently in the code that regulates composting.

Add new Section 302.13 as follows: "302.13 Outdoor Storage. Outdoor storage of materials and equipment is prohibited except where specifically permitted in a zoning district or where granted by Ordinance as a special use. Prohibited material and equipment include rubbish and garbage, construction and building materials, ice melting salt, soil or landfill material, brush and limbs, logs and firewood, snow removal equipment, landscaping equipment, construction equipment, furnishings and fixtures intended for use within a building and similar items. The following items are allowed to be stored outdoors when located in the rear yard and set back a minimum of 10% of the

lot width, but not less than 6.5 feet, from any property line; rubbish and garbage in approved refuse containers, firewood not to exceed two face cords, lawn furniture and ornaments, outdoor cooking equipment, recreational equipment and construction equipment and materials required for the construction of a project under a current valid building permit.” Mr. Kvapil stated that a significant number of complaints are received regarding this item. He added that some discretion by the Building and Zoning Official will be required because it is impossible to list all items that can legally be outdoors. One of the Board Members questioned the rear yard storage limitation for corner lots, and Mr. Kvapil stated he will revise this section accordingly. Mr. Kvapil responded to a Board member that he used the typical residential zoning setbacks in his calculations. Mr. Kvapil stated that the Zoning Code provides specific information regarding outdoor storage for commercial properties. Mr. Kvapil stated he will re-review this proposed section to the IMPC and will check the Zoning Ordinance regarding residential outdoor storage regulations.

Add new Section 302.14 as follows: “302.14 Holiday decorations. Holiday displays, lights, signs and temporary decorative items shall not be displayed sooner than 30 days prior to the holiday and shall be removed no later than 60 days after the holiday. All displays that include electrical fixtures and equipment shall be installed in compliance with all requirements for temporary power and lighting in the current adopted edition of the National Electrical Code in accordance with Title 4, Chapter 2 of the Village Code of Glen Ellyn, Illinois.” Mr. Kvapil stated that there is a limited description of regulations in the Sign Code regarding holiday decorations. The maximum number of days holiday decorations are allowed is 60 days. Mr. Kvapil suggested the possibility of amending the Sign Code and not adding a new Section to the IPMC.

Mr. Kvapil responded to a Board member that Section 303 regarding swimming pools, spas and hot tubs is covered in the building code and both sections are identical.

Amend new Section 302.3.1 as follows: “304.3.1 Unit Identification. Every dwelling unit and every commercial business unit that share a common entrance door in a building with another unit shall be provided with a room, apartment, suite or other approved address number. Address numbers shall be Arabic numerals or alphabet letters with a minimum height of 2 inches and a minimum stroke width of .25 inches in a contrasting color with their background and shall be installed and maintained on or adjacent to the entrance door of the unit at a height not less than 5 feet or more than 6 feet above the floor.” BBA member/Fire Chief Raffensparger stressed the importance of this section for emergency response purposes.

Amend Section 304.7 to add the following (added words are in italics): “304.7 Roofs and Drainage. Roof water, *ground water or water within pools, spas or other containers* shall not be discharged in a manner that creates a public nuisance *or increases or concentrates the natural runoff water flow causing soil erosion, or the accumulation of water, soil or debris, or a hazardous condition or damage on or to adjacent public or private property.*” A Board Member suggested adding sump pump discharge, and all BBA members agreed. Chairman Ryan asked how a swimming pool can be emptied, and

Mr. Kvapil responded that a hose can be emptied into the street or the water can be slowly absorbed into the subject property.

Amend Section 304.13 to add the following (added words are in italics): “304.13 Window, skylight and door frames. *No temporary repair of a broken or damaged window, skylight or door shall remain in place for more than 30 days unless an extension has been granted by the Code official.*”

Amend Section 304.14 to insert dates (added words are in italics): “304.14 Insect screens, *April 1<sup>st</sup> to November 1<sup>st</sup>.*”

Delete Section 308.1 in its entirety and substitute the following: “308.1 Accumulation of Rubbish and Garbage. The control of rubbish and garbage shall be in accordance with Title 7, Chapter 6 of the Village Code of Glen Ellyn, Illinois.” In addition, delete Sections 308.2 and 308.3 in its entirety.

Delete Sections 404.5 and 404.6 regarding occupancy limitations. Mr. Kvapil stated that he did not feel these items are applicable to maintenance issues and are unenforceable. He stated that the code has provisions if there are health or safety issues related to a dwelling unit no matter how many people are residing there and that there could be legal issues when trying to regulate how many people live in a unit. Mr. Kvapil responded to some BBA members that occupancy limitations are addressed in the Building Code although no specific numbers are stated for residential units. Mr. Kvapil responded to Chief Raffensparger that 15 people living in a basement would have to prove that they are family members in order to live there, and Chief Raffensparger was not in favor of deleting the sections for safety reasons.

Delete Section 602.3 in its entirety and substitute the following: “602.3 Heat Supply. Heating requirements shall be in accordance with Title 4, Chapter 1, of the Village Code of Glen Ellyn, Illinois.”

Amend Section 602.4 to insert dates (added words are in italics): “602.4 Occupiable Work Spaces. *October 1<sup>st</sup> to May 15<sup>th</sup>.*”

Regarding Section 605.1 Installation of Electrical Equipment, Mr. Lustrup felt this section should state that the installation of electrical equipment should be done in accordance with the Village Code that covers electrical work. Mr. Kvapil agreed with Mr. Lustrup’s recommendation.

Amend Section 606.1 in its entirety and substitute the following: “606.1 General. Elevators, dumbwaiters, escalators and lifts shall be maintained in compliance with the Safety Code for Elevators and Escalators (ASME A17.1-2007/CSA B44-07), Performance Based Safety Code for Elevators and Escalators (ASME A17.1-2007/CSA B44.7-07), Guide for the Inspection of Elevators, Escalators and Moving Walks (ASME A17.2-2004), Safety Code for Existing Elevators and Escalators (ASME A17.3-2005) and Safety Standard for Platform Lifts and Stairway Chairlifts (ASME A18.1-2005) in

accordance with the Elevator Safety Act (225 ILCS 312/) and the Administrative Code, Title 41, Chapter II, Part 1000), administered by the Village of Glen Ellyn under a Municipality Program Agreement with the Office of the Illinois State Fire Marshall, State of Illinois.”

Delete Section 606.2 regarding elevators in its entirety as elevators are addressed elsewhere in the code.

Delete Section 701.1 in its entirety and substitute the following: “701.1 General. All existing buildings, structures and premises shall be maintained in compliance with NFPA 101, Code for Safety to Life from Fire in Buildings and Structures, known as the Life Safety Code, 2000 Edition in accordance with the Fire Investigation Act (425 ILCS 25/) and the Administrative Code, Title 41, Chapter 1, part 100, administered by the Office of the Illinois State Fire Marshall, State of Illinois.” Also delete Section 702 in its entirety, Section 703 in its entirety and Section 704 in its entirety. All of the above sections are deleted because the Village intends to adopt the NFPA 101 Life Safety Code which is very comprehensive.

Chairman Ryan asked the BBA members if they felt single-family homes and commercial properties should be treated equally regarding the Property Maintenance Code. Some BBA members expressed concern that staff would be required to enforce compliance of minor maintenance issues in single-family homes but decided that both single-family and commercial properties should be treated equally.

#### Chairman's Report

Chairman Ryan announced the next meeting will be held on June 7, 2010.

#### Staff Report

Mr. Kvapil stated that the next code to be reviewed is the Life Safety Code. There being no further business before the Building Board of Appeals, the meeting was adjourned at 10:32 p.m.

Submitted by  
Barbara Utterback

Reviewed by  
Joe Kvapil, Building & Zoning Official

MEMORANDUM

A-8  
UPDATE

**TO:** Steve Jones, Village Manager

**FROM:** Staci Hulseberg, Director of Planning & Development  
Joe Kvapil, Building and Zoning Official *JK* *AK*

**DATE:** August 18, 2010

**FOR:** August 23, 2010 Village Board Meeting

**SUBJECT:** Update on 2009 Code adoptions (2009 ICC International Property Maintenance Code and the 2009 NFPA 101 Life Safety Code)

A notice and a copy of the proposed IPMC and LSC amendments was sent to each participant at the December 17, 2010 Builder's Forum Meeting for their information and comments. We received questions and comments from local builders and from Village Board Members that were discussed at the Village Board Workshop Meeting on August 16, 2010.

Based on these responses, questions and discussions, minor revisions have been made to the proposed IPMC amendments which are included in the attached Exhibit "A" (with text format and comments) and identified in **bold underline**.

Two questions from Trustee Thorsell could not be addressed at the Village Board Workshop Meeting on August 16, 2010 without further research and information. One question concerned responsibility for grease trap inspections. The DuPage County Health Department advised that they inspect for proper maintenance of grease traps during their normal restaurant inspections. The applicable section in the IPMC only requires that a grease trap be properly maintained and does not prescribe required inspections. There does not appear to be any conflict or duplication and no amendment to this section in the IPMC is necessary.

Trustee Thorsell also questioned the ability of the Village to prosecute violations of the Life Safety Code through administrative adjudication by the Administrative Ordinance Hearing Department. This question has been directed to Stewart Diamond for determination and we expect to receive a response within a few days.

We also shared the proposed IPMC with the Chamber and asked for their comments. If we receive any comments from the Chamber, we will share those with the Village Board at the August 23, 2010 Village Board Meeting.

**Village Board:** The Village Board conducted a workshop meeting on August 16, 2010 to discuss the two proposed building codes and the comments from Trustees and the public have been considered and incorporated into the proposed code amendments. It is requested that the Village Board consider the recommendation offered by the Building Board of Appeals. Staff has prepared an ordinance to approve the adoption of the Property Maintenance Code and the Life Safety Code as amended and recommended by the Building Board of Appeals and as amended in response to public comments received and the recommendations proposed at the Board Workshop Meeting on August 16, 2010.

**Staff Recommendation:** Staff recommends that the effective date of these Ordinances be October 1, 2010 to allow time for public notification on the Village website, publication in the Village Quarterly Newsletter, issuance of a press release, issuance of a notification letter to local contractors, training and education of building inspectors and the plan examiner, and the completion of construction design work that may already be in progress.

**Attachments:**

- International Property Maintenance Code Attachment 'A'(with text format and comments)
- International Property Maintenance Code Attachment 'A' (clean)

**Exhibit A (with text format and comments)**  
**The 2009 ICC International Property Maintenance Code**  
**As Adopted and Amended by the Village of Glen Ellyn, Illinois**

**Text format:**

**Normal** – change number and description or existing text in the Village Code or IPMC to remain

**Bold** – new code section, new amendment or new text inserted into the Village Code or IPMC

~~Strikethrough~~ – existing text in the Village Code or IPMC to be removed

*Italics* – comments that will be removed from final ordinance document

**Bold underlined** – added or revised in response to Village Board and public comments

Delete Village Code Sub Section 4-1-10(C) Emergency Demolition in its entirety.

*Comments: This amendment in the Village Code should be deleted since it is duplicated in the IPMC in sections 108, 109 and 110. The IPMC is also more inclusive and specific and the language is consistent with all ICC Codes.*

Add new Village Code section as follows:

**4-1-12 ADOPTION OF THE 2009 ICC INTERNATIONAL PROPERTY MAINTENANCE CODE.**

- (A) The 2009 ICC International Property Maintenance Code is adopted by reference as the standards and regulations for the maintenance and occupancy of all existing property, buildings and structures as this code is intended, recommended, maintained and published by the International Code Council except such portions thereof that are deleted, modified, or amended in this chapter. At least one copy of the ICC 2009 International Property Maintenance Code shall be maintained on file in the Office of the Village Clerk for inspection and copying as a public record.**

*Comments: This reflects the general intent and purpose of the IPMC as published in Section 101 General and is standard language consistent with prior adoption ordinances.*

- (B) The provisions of the 2009 ICC International Property Maintenance Code are hereby deleted, modified and amended as follows:**

1. Amend section 101.1 to read as follows:

101.1 Title. These regulations shall be known as the International Property Maintenance Code of **the Village of Glen Ellyn**, hereinafter referred to as "this code".

*Comments: This is added to identify the municipality as suggested in the code text.*

2. Amend section 102.3 to read as follows:

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the **building and fire codes as adopted and amended by the Village of Glen Ellyn International Building Code, International Fuel Gas Code, International Mechanical Code and NFPA-70**, and nothing in this code shall be constructed to cancel, modify or set aside any provision of the ~~International Zoning Code~~ **Illinois Code for Safety to Life from Fire in Buildings and Structures (Life Safety Code), the Illinois Plumbing Code, the Illinois Accessibility Code, the Illinois Energy Conservation Code or any other applicable rules or regulations established by the State of Illinois.**

*Comments: This is added to encompass all regulations that may apply to construction work and acknowledge all other applicable codes.*

3. Amend section 102.7 to add the following:

102.7 Referenced codes and standards.

**Exception: Wherever reference to the International Plumbing Code is made, substitute the Plumbing Code, Department of Public Health, State of Illinois.**

**Exception: Wherever reference to the International Zoning Code is made, substitute the Zoning Code, Title 10 of the Glen Ellyn Village Code.**

**Exception: All reference to the International Existing Building Code shall be deleted.**

**Exception: Wherever differences occur between provisions of this code and the 2009 NFPA 101 Life Safety Code the most restrictive provisions shall apply.**

*Comments: The ICC publishes a Plumbing Code and a Zoning Code that must be disregarded. We do not intend to adopt the Existing Building Code since the provisions in the Existing Building Code are adequately addressed in the International Building Code, International Residential Code, International Property Maintenance Code and the Life Safety Code.*

4. Delete section 103.1 in its entirety and substitute the following:

103.1 General. **Where referenced in this code, the department of property maintenance shall be the Planning and Development Department of the Village of Glen Ellyn and the code official shall be the Building and Zoning Official of the Village of Glen Ellyn.**

*Comments: Corrected references to our municipal organization names.*

5. Delete section 103.5 in its entirety.

~~103.5 Fees~~

*Comments: The activities and services performed under this code are generally initiated upon a complaint or inquiry received from the public, upon general observation of existing conditions or upon a building fire, collapse, abandonment or similar event. The fee for these services is included in the normal building permit fees for the restoration or demolition of these properties.*

6. Add new section 104.3.1 to read as follows:

**104.3.1 Search Warrant. If the code official is refused entry after a reasonable attempt to obtain consent to enter the premises to make an inspection, the code official may seek in the Circuit Court of DuPage County a search warrant. An owner, occupant or other person in charge of a dwelling, structure or property subject to the provisions of this code, who is presented with a search warrant obtained pursuant to this section, shall not refuse, impede, inhibit, interfere with restrict or obstruct entry and free access to any part of the structure or premises where an inspection authorized by search warrant is sought to be made.**

*Comments: Unlike the building code which authorizes the building official to enter a building and conduct an inspection upon receipt of a permit application, the IPMC provides no such access. The property owner's permission to access a property or enter a building must be obtained except when there is reason to believe a dangerous condition exists. This amendment is similar to amendments added by Bloomingdale, Morton Grove and other municipalities. While a search warrant may be requested and obtained without this amendment, we can refer to this code section to assist in obtaining a non cooperative property owner's permission to enter and inspect a building. This amendment has been reviewed by and is acceptable to legal counsel.*

7. Delete section 106.4 in its entirety and substitute the following:

106.4 Violation Penalties. **Any person who violates a provision of this code shall, upon conviction thereof, be subject to a fine of not less than \$50.00 nor more than \$750.00 unless a**

**fine for the violation of this code is listed in the Glen Ellyn Village Code then the more stringent shall apply. Each day that a violation continues after due notice has been served shall be deemed a separate offense.**

*Comments: This language and the fine amounts are consistent with the language throughout the Village Code.*

8. Add new section 108.2.2 to read as follows:

**108.2.2 Closing Safeguards. Vacant structures that are ordered to be closed and secured shall have all doors, windows and openings completely covered and securely fastened with solid weather resistant material to temporarily prevent access to the premises. The covering material shall match or be painted to match the general color of the structure.**

*Comments: Since Appendix A "Boarding Standard" of the IPMC is unnecessary and will not be adopted, this is an appropriate location to specify methods of boarding up vacant structures.*

9. Amend section 109.5 to insert the following:

**109.5 Cost of Emergency Repairs and Temporary Safeguards. Costs incurred in the performance of emergency work and temporary safeguards shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure or condition is or was located for the recovery of such costs.**

*Comments: This is added to cover the costs associated with temporary safeguards.*

10. Delete section 111.2 in its entirety.

*Comments: The structure, responsibilities and procedures of the Building Board of Appeals is established in Chapter 7 Building Board of Appeals, in Title 2 Boards and Commissions, in the Glen Ellyn Village Code.*

11. Delete section 111.3 in its entirety.

*Comments: The structure, responsibilities and procedures of the Building Board of Appeals is established in Chapter 7 Building Board of Appeals, in Title 2 Boards and Commissions, in the Glen Ellyn Village Code.*

12. Delete section 111.4 in its entirety.

*Comments: The structure, responsibilities and procedures of the Building Board of Appeals is established in Chapter 7 Building Board of Appeals, in Title 2 Boards and Commissions, in the Glen Ellyn Village Code.*

13. Delete section 111.5 in its entirety.

*Comments: The structure, responsibilities and procedures of the Building Board of Appeals is established in Chapter 7 Building Board of Appeal, in Title 2 Boards and Commissions, in the Glen Ellyn Village Code.*

14. Delete section 111.6 in its entirety.

*Comments: The structure, responsibilities and procedures of the Building Board of Appeals is established in Chapter 7 Building Board of Appeals, in Title 2 Boards and Commissions, in the Glen Ellyn Village Code.*

15. Delete section 111.7 in its entirety.

*Comments: This section advises a person on their rights to appeal a decision of the Building Board of Appeals. Legal council has advised that it is unnecessary to provide unsolicited legal advice to the public.*

16. Amend section 112.4 to read as follows:

**112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$50.00 dollars or more than \$750.00 dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense.**

*Comments: This language and the fine amounts are consistent with the language throughout the Village Code.*

17. Amend section 202 to insert the following definition:

**CODE OFFICIAL.** The official, or a duly authorized representative, who is charged with the administration and enforcement of this code, **under the direction and approval of the Director of Planning & Development or the Village Manager.**

*Comments: Added for additional oversight of Code Official's actions.*

18. Amend section 302.2 to insert the following:

**302.2 Grading and Drainage.** All premises shall be graded and **suitable vegetation or ground cover shall be established** and maintained to prevent the erosion of soil **by water or wind action** and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

*Comments: General language added to be more specific.*

19. Delete section 302.4 in its entirety and substitute the following:

**302.4 Weeds.** The control of weeds shall be in accordance with **Chapter 12 Weeds, in Title 7 Health and Sanitation, in the Glen Ellyn Village Code.**

*Comments: This section is duplicated in the provisions in the Village Code which should govern.*

20. Delete section 302.8 in its entirety and substitute the following:

**302.8 Motor vehicles.** The control of abandoned vehicles shall be in accordance with **Chapter 8 Abandoned Vehicles, in Title 7 Health and Sanitation, in the Glen Ellyn Village Code.**

*Comments: This section is duplicated in the provisions in the Village Code which should govern.*

21. Amend section 302.9 to insert the following:

**302.9 Defacement of property.** **The removal of graffiti shall be in accordance with Chapter 2 Nuisances, in Title 7 Health and Sanitation, in the Glen Ellyn Village Code.**

22. Add new section 302.10 to read as follows:

**302.10 Corner lot landscaping.** All landscaping on corner lots within the visibility triangle shall be maintained in accordance with the **Chapter 5, Section 5(B)2, in Title 10 Zoning Code, in the Glen Ellyn Village Code.**

*Comments: It is appropriate to make reference to the governing Village Code requirement in the IPMC.*

23. Add new section 302.11 to read as follows:

**302.11 Composting.** Yard waste materials from the premises and adjoining parkway may be placed in a compost pile or container(s) intended for composting use. The placement of materials other than grass, vegetation or leaves in a compost pile or container(s) which attracts animals or vermin or which causes an obnoxious odor is prohibited. One compost pile or container(s) shall be permitted on a zoning lot and shall not exceed .5 % of the lot area and a maximum height of 4 feet. A compost pile or container(s) is only permitted in the rear yard and setback a minimum distance of 5% of the lot width, but not less than 3 feet, from any property line and not less than 30 feet from any adjacent residential dwelling and shall not be placed in an utility or storm water easement or in any location that obstructs the natural flow of storm water runoff.

*Comments: Composting is not addressed in the IPMC and is becoming more common. Most other municipalities have added composting regulations similar to these.*

24. Add new section 302.12 to read as follows:

**302.12 Outdoor storage.** Outdoor storage of materials and equipment is prohibited except where specifically permitted in a zoning district or in Zoning Code Section 10-5-6, or where granted by Ordinance as a Special Use. Material and equipment prohibited from being stored outdoors includes rubbish and garbage, construction and building materials, ice melting salt, soil or land fill material, brush and limbs, logs and firewood, snow removal equipment, landscaping equipment, construction equipment, furnishings and fixtures intended for use within a building and similar items. The following items are permitted to be stored outdoors when located in the rear yard and setback a minimum distance of 10% of the lot width, but not less than 6.5 feet, from any property line; rubbish and garbage in approved refuse containers, firewood not to exceed two face cords, ~~lawn furniture and ornaments~~, outdoor cooking equipment, recreational equipment, and construction equipment and materials required for a current construction project.

*Comments: Outdoor storage is not addressed in the IPMC and is a common problem. Most other municipalities have added outdoor storage regulations similar to these.*

25. Add new section 302.13 to read as follows:

**302.13 Holiday decorations.** Holiday displays, lights, signs and temporary decorative items may be displayed for not more than 60 days. They may be displayed no sooner than 30 days prior to the holiday and must removed no later than 60 days after the holiday. All displays that include electrical fixtures and equipment shall be installed in compliance with all requirements for temporary power and lighting in accordance with Chapter 2 Electrical Code, in Title 4 Building Regulations, in the Glen Ellyn Village Code.

*Comments: Although the sign code limits the display of decorations to 60 days this requirement is more inclusive and specific.*

26. Add new section 304.3.1 to read as follows:

**304.3.1 Unit Identification.** Every dwelling unit and every commercial business unit that shares a common entrance door in a building with another unit shall be provided with a room, apartment, suite or other identification number. Identification numbers shall be Arabic numerals or alphabet letters with a minimum height of 2 inches and a minimum stroke width of .25 inches in a contrasting color with their background and shall be installed and maintained on or adjacent to the entrance door of the unit at a height not less than 5 feet or more than 6 feet above the floor.

*Comments: It is necessary and desired to provide clear and consistent room identifiers for emergency responders in buildings that contain many different business, tenant spaces or dwelling units.*

27. Amend section 304.7 to read as follows:

**304.7 Roofs and drainage.** Roof rain water, ground water or water within sump pits, pools, spas or other containers shall not be discharged in a manner that creates a public nuisance or increases or concentrates the natural water runoff flow causing soil erosion, or the accumulation of water, soil or debris, or a hazardous condition or damage on or to adjacent public or private property. Accumulated surface water on a property may be discharged to the public storm sewer in the street or other location with prior approval of the Director of Public Works.

*Comments: Added language that is more inclusive and specific.*

28. Amend section 304.13 to read as follows:

**304.13 Window, skylight and door frames.** No temporary repair of a broken or damaged window, skylight or door shall remain in place for more than 30 days unless an extension has been granted by the code official.

*Comments: Added language that is more inclusive and specific.*

29. Amend section 304.14 to insert the following dates where indicated:

**April 1<sup>st</sup> to November 1<sup>st</sup>**

*Comments: Added dates left blank in the IPMC and to be determined by the municipality.*

30. Delete section 305.1.1 in its entirety.

*Comments: This requirement for repair of unsafe conditions is adequately addressed in the 2003 IBC section R102.6, in the 2003 IRC section R102.7 and in the 2009 IPMC section 108.*

31. Delete section 305.2 in its entirety.

*Comments: This requirement for repair of unsafe conditions is adequately addressed in the 2003 IBC section R102.6, in the 2003 IRC section R102.7 and in the 2009 IPMC section 108.*

32. Delete section 305.3 in its entirety.

*Comments: This requirement for maintaining interior surface conditions is not a significant life safety hazard, requires the property owner's permission to inspect for compliance and an inspection of living conditions could be interpreted as an unwarranted intrusion by the Village or violation of personal property rights.*

33. Delete section 305.4 in its entirety.

*Comments: This requirement for repair of unsafe conditions is adequately addressed in the 2003 IBC section R102.6, in the 2003 IRC section R102.7 and in the 2009 IPMC section 108.*

34. Delete section 305.5 in its entirety.

*Comments: This requirement for repair of unsafe conditions is adequately addressed in the 2003 IBC section R102.6, in the 2003 IRC section R102.7 and in the 2009 IPMC section 108.*

35. Delete section 305.6 in its entirety.

*Comments: This requirement for maintaining interior doors is not a significant life safety hazard, requires the property owner's permission to inspect for compliance and an inspection of living conditions could be interpreted as an unwarranted intrusion by the Village or violation of personal property rights.*

36. Delete section 308.1 in its entirety and substitute the following:

**308.1 Accumulation of Rubbish and Garbage. The control of rubbish and garbage shall be in accordance with Chapter 6 Solid Waste Collection and Disposal, in Title 7 Health and Sanitation, in the Glen Ellyn Village Code.**

*Comments: This requirement is duplicated in another section of the Village Code.*

37. Delete section 308.2 in its entirety.

*Comments: This requirement for control of rubbish or garbage is duplicated in another section the Village Code.*

38. Delete section 308.3 in its entirety.

*Comments: This requirement for control of rubbish or garbage is duplicated in another section the Village Code.*

39. Delete section 602.3 in its entirety and substitute the following:

**602.3 Heat supply. Heating requirements shall be in accordance with Chapter 1 Building Code, in Title 4 Building Regulations, in the Glen Ellyn Village Code.**

*Comments: This requirement is duplicated in another section of the Village Code.*

40. Amend section 602.4 to insert the following dates where indicated:

**October 1<sup>st</sup> to May 15<sup>th</sup>**

*Comments: Added dates left blank in the IPMC and to be determined by the municipality.*

41. Delete section 606.1 in its entirety and substitute the following:

**606.1 General. Elevators, dumbwaiters, escalators and lifts shall be maintained in compliance with the Safety Code for Elevators and Escalators (ASME A17.1-2007/CSA B44-07), Performance Based Safety Code for Elevators and Escalators (ASME A17.1-2007/CSA B44.7-07), Guide for the Inspection of Elevators, Escalators and Moving Walks (ASME A17.2-2007), Safety Code for Existing Elevators and Escalators (ASME A17.3-2005), Safety Standard for Platform Lifts and Stairway Chairlifts (ASME A18.1-2005) and Standard for the Qualification of Elevator Inspectors (ASME QEI-1-2007) in accordance with the Elevator Safety Act (225 ILCS 312/) and the Administrative Code, Title 41, Chapter II, Part 1000, administered by the Village of Glen Ellyn under a Municipality Program Agreement with the Office of the Illinois State Fire Marshall, State of Illinois.**

*Comments: Our agreement with the Office of the Illinois State Fire Marshall supersedes the elevator maintenance requirements in the IPMC. These are the standards required by the State of Illinois.*

42. Delete section 701.1 in its entirety and substitute the following:

**701.1 General. All existing buildings, structures and premises shall be maintained in compliance with Illinois Code for Safety to Life from Fire in Buildings and Structures, known as the 2009 NFPA 101 Life Safety Code current edition in accordance with the Fire Investigation Act (425 ILCS 25/) and the Administrative Code, Title 41, Chapter I, Part 100, administered by the Office of the Illinois State Fire Marshall, State of Illinois.**

*Comments: The fire safety requirements in the Life Safety Code as adopted and amended by the State of Illinois supersede the fire safety requirements in the IPMC.*

43. Delete section 702 in its entirety.

*Comments: The fire safety requirements in the Life Safety Code as adopted and amended by the State of Illinois supersede the fire safety requirements in the IPMC.*

44. Delete section 703 in its entirety.

*Comments: The fire safety requirements in the Life Safety Code as adopted and amended by the State of Illinois supersede the fire safety requirements in the IPMC.*

45. Delete section 704 in its entirety.

*Comments: The fire safety requirements in the Life Safety Code as adopted and amended by the State of Illinois supersede the fire safety requirements in the IPMC.*

**Exhibit A (clean)**  
**The 2009 ICC International Property Maintenance Code**  
**As Adopted and Amended by the Village of Glen Ellyn, Illinois**

Delete Village Code Sub Section 4-1-10(C) Emergency Demolition in its entirety.

Add new Village Code section to read as follows:

**4-1-12 ADOPTION OF THE 2009 ICC INTERNATIONAL PROPERTY MAINTENANCE CODE.**

- (A) The 2009 ICC International Property Maintenance Code is adopted by reference as the standards and regulations for the maintenance and occupancy of all existing property, buildings and structures as this code is intended, recommended, maintained and published by the International Code Council except such portions thereof that are deleted, modified, or amended in this chapter. At least one copy of the ICC 2009 International Property Maintenance Code shall be maintained on file in the Office of the Village Clerk for inspection and copying as a public record.
- (B) The provisions of the 2009 ICC International Property Maintenance Code are hereby deleted, modified and amended as follows:
1. Amend section 101.1 to read as follows:  
101.1 Title. These regulations shall be known as the International Property Maintenance Code of the Village of Glen Ellyn, hereinafter referred to as "this code".
  2. Amend section 102.3 to read as follows:  
102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the building and fire codes as adopted and amended by the Village of Glen Ellyn and nothing in this code shall be constructed to cancel, modify or set aside any provision of the Illinois Code for Safety to Life from Fire in Buildings and Structures (Life Safety Code), the Illinois Plumbing Code, the Illinois Accessibility Code, the Illinois Energy Conservation Code or any other applicable rules or regulations established by the State of Illinois.
  3. Amend section 102.7 to read as follows:  
102.7 Referenced codes and standards.  
Exception: Wherever reference to the International Plumbing Code is made, substitute the Plumbing Code, Department of Public Health, State of Illinois.  
Exception: Wherever reference to the International Zoning Code is made, substitute the Zoning Code, Title 10 of the Glen Ellyn Village Code.  
Exception: All reference to the International Existing Building Code shall be deleted.  
Exception: Wherever differences occur between provisions of this code and the 2009 NFPA 101 Life Safety Code the most restrictive provisions shall apply.
  4. Delete section 103.1 in its entirety and substitute the following:  
103.1 General. Where referenced in this code, the department of property maintenance shall be the Planning and Development Department of the Village of Glen Ellyn and the code official shall be the Building and Zoning Official of the Village of Glen Ellyn.

5. Delete section 103.5 in its entirety.

6. Add new section 104.3.1 to read as follows:

104.3.1 Search Warrant. If the code official is refused entry after a reasonable attempt to obtain consent to enter the premises to make an inspection, the code official may seek in the Circuit Court of DuPage County a search warrant. An owner, occupant or other person in charge of a dwelling, structure or property subject to the provisions of this code, who is presented with a search warrant obtained pursuant to this section, shall not refuse, impede, inhibit, interfere with restrict or obstruct entry and free access to any part of the structure or premises where an inspection authorized by search warrant is sought to be made.

7. Delete section 106.4 in its entirety and substitute the following:

106.4 Violation Penalties. Any person who violates a provision of this code shall, upon conviction thereof, be subject to a fine of not less than \$50.00 nor more than \$750.00 unless a fine for the violation of this code is listed in the Glen Ellyn Village Code then the more stringent shall apply. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

8. Add new section 108.2.2 to read as follows:

108.2.2 Closing Safeguards. Vacant structures that are ordered to be closed and secured shall have all doors, windows and openings completely covered and securely fastened with solid weather resistant material to temporarily prevent access to the premises. The covering material shall match or be painted to match the general color of the structure.

9. Amend section 109.5 to read as follows:

109.5 Cost of Emergency Repairs and Temporary Safeguards. Costs incurred in the performance of emergency work and temporary safeguards shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure or condition is or was located for the recovery of such costs.

10. Delete section 111.2 in its entirety.

11. Delete section 111.3 in its entirety.

12. Delete section 111.4 in its entirety.

13. Delete section 111.5 in its entirety.

14. Delete section 111.6 in its entirety.

15. Delete section 111.7 in its entirety.

16. Amend section 112.4 to read as follows:

112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$50.00 dollars or more than \$750.00 dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

17. Amend section 202 to insert the following definition:

**CODE OFFICIAL.** The official, or a duly authorized representative, who is charged with the administration and enforcement of this code, under the direction and approval of the Director of Planning & Development or the Village Manager.

18. Amend section 302.2 to read as follows:

**302.2 Grading and Drainage.** All premises shall be graded and suitable vegetation or ground cover shall be established and maintained to prevent the erosion of soil by water or wind action and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

19. Delete section 302.4 in its entirety and substitute the following:

**302.4 Weeds.** The control of weeds shall be in accordance with Chapter 12 Weeds, in Title 7 Health and Sanitation, in the Glen Ellyn Village Code.

20. Delete section 302.8 in its entirety and substitute the following:

**302.8 Motor vehicles.** The control of abandoned vehicles shall be in accordance with Chapter 8 Abandoned Vehicles, in Title 7 Health and Sanitation, in the Glen Ellyn Village Code.

21. Amend section 302.9 to insert the following:

21. Amend section 302.9 to insert the following:

**302.9 Defacement of property.** The removal of graffiti shall be in accordance with Chapter 2 Nuisances, in Title 7 Health and Sanitation, in the Glen Ellyn Village Code.

22. Add new section 302.10 to read as follows:

**302.10 Corner lot landscaping.** All landscaping on corner lots within the visibility triangle shall be maintained in accordance with the Chapter 5, Section 5(B)2, in Title 10 Zoning Code, in the Glen Ellyn Village Code.

23. Add new section 302.11 to read as follows:

**302.11 Composting.** Yard waste materials from the premises and adjoining parkway may be placed in a compost pile or container(s) intended for composting use. The placement of materials other than grass, vegetation or leaves in a compost pile or container(s) which attracts animals or vermin or which causes an obnoxious odor is prohibited. One compost pile or container(s) shall be permitted on a zoning lot and shall not exceed .5 % of the lot area and a maximum height of 4 feet. A compost pile or container(s) is only permitted in the rear yard and setback a minimum distance of 5% of the lot width, but not less than 3 feet, from any property line and not less than 30 feet from any adjacent residential dwelling and shall not be placed in an utility or storm water easement or in any location that obstructs the natural flow of storm water runoff.

24. Add new section 302.12 to read as follows:

**302.12 Outdoor storage.** Outdoor storage of materials and equipment is prohibited except where specifically permitted in a zoning district, or in Zoning Code Section 10-5-6, or where granted by Ordinance as a Special Use. Material and equipment prohibited from being stored outdoors includes rubbish and garbage, construction and building materials, ice melting salt, soil or land fill material, brush and limbs, logs and firewood, snow removal equipment, landscaping equipment, construction equipment, furnishings and fixtures intended for use within a building and similar items. The following items are permitted to be stored outdoors when located in the rear yard and setback a minimum distance of 10% of the lot width, but not less than 6.5 feet, from any property line; rubbish and garbage in approved refuse containers, firewood not to

exceed two face cords, outdoor cooking equipment, recreational equipment, and construction equipment and materials required for a current construction project.

25. Add new section 302.13 to read as follows:

302.13 Holiday decorations. Holiday displays, lights, signs and temporary decorative items may be displayed for not more than 60 days. They may be displayed no sooner than 30 days prior to the holiday and must be removed no later than 60 days after the holiday. All displays that include electrical fixtures and equipment shall be installed in compliance with all requirements for temporary power and lighting in accordance with Chapter 2 Electrical Code, in Title 4 Building Regulations, in the Glen Ellyn Village Code.

26. Add new section 304.3.1 to read as follows:

304.3.1 Unit Identification. Every dwelling unit and every commercial business unit that shares a common entrance door in a building with another unit shall be provided with a room, apartment, suite or other identification number. Identification numbers shall be Arabic numerals or alphabet letters with a minimum height of 2 inches and a minimum stroke width of .25 inches in a contrasting color with their background and shall be installed and maintained on or adjacent to the entrance door of the unit at a height not less than 5 feet or more than 6 feet above the floor.

27. Amend section 304.7 to read as follows:

304.7 Roofs and drainage. Roof rain water, ground water or water within sump pits, pools, spas or other containers shall not be discharged in a manner that creates a public nuisance or increases or concentrates the natural water runoff flow causing soil erosion, or the accumulation of water, soil or debris, or a hazardous condition or damage on or to adjacent public or private property. Accumulated surface water on a property may be discharged to the public storm sewer in the street or other location with the prior approval of the Director of Public Works.

28. Amend section 304.13 to read as follows:

304.13 Window, skylight and door frames. No temporary repair of a broken or damaged window, skylight or door shall remain in place for more than 30 days unless an extension has been granted by the code official.

29. Amend section 304.14 to insert the following dates where indicated:

April 1<sup>st</sup> to November 1<sup>st</sup>

30. Delete section 305.1.1 in its entirety.

31. Delete section 305.2 in its entirety.

32. Delete section 305.3 in its entirety.

33. Delete section 305.4 in its entirety.

34. Delete section 305.5 in its entirety.

35. Delete section 305.6 in its entirety.

36. Delete section 308.1 in its entirety and substitute the following:

308.1 Accumulation of Rubbish and Garbage. The control of rubbish and garbage shall be in accordance with Chapter 6 Solid Waste Collection and Disposal, in Title 7 Health and Sanitation, in the Glen Ellyn Village Code.

37. Delete section 308.2 in its entirety.

38. Delete section 308.3 in its entirety.

39. Delete section 602.3 in its entirety and substitute the following:

602.3 Heat supply. Heating requirements shall be in accordance with Chapter 1 Building Code, in Title 4 Building Regulations, in the Glen Ellyn Village Code.

40. Amend section 602.4 to insert the following dates where indicated:

October 1<sup>st</sup> to May 15<sup>th</sup>

41. Delete section 606.1 in its entirety and substitute the following:

606.1 General. Elevators, dumbwaiters, escalators and lifts shall be maintained in compliance with the Safety Code for Elevators and Escalators (ASME A17.1-2007/CSA B44-07), Performance Based Safety Code for Elevators and Escalators (ASME A17.1-2007/CSA B44.7-07), Guide for the Inspection of Elevators, Escalators and Moving Walks (ASME A17.2-2007), Safety Code for Existing Elevators and Escalators (ASME A17.3-2005), Safety Standard for Platform Lifts and Stairway Chairlifts (ASME A18.1-2005) and Standard for the Qualification of Elevator Inspectors (ASME QEI-1-2007) in accordance with the Elevator Safety Act (225 ILCS 312/) and the Administrative Code, Title 41, Chapter II, Part 1000, administered by the Village of Glen Ellyn under a Municipality Program Agreement with the Office of the Illinois State Fire Marshall, State of Illinois.

42. Delete section 701.1 in its entirety and substitute the following:

701.1 General. All existing buildings, structures and premises shall be maintained in compliance with Illinois Code for Safety to Life from Fire in Buildings and Structures, known as the 2009 NFPA 101 Life Safety Code current edition in accordance with the Fire Investigation Act (425 ILCS 25/) and the Administrative Code, Title 41, Chapter I, Part 100, administered by the Office of the Illinois State Fire Marshall, State of Illinois.

43. Delete section 702 in its entirety.

44. Delete section 703 in its entirety.

45. Delete section 704 in its entirety.



**To:** Steve Jones, Village Manager  
**From:** Joe Caracci, Public Works Director  
**Date:** August 10, 2010  
**Re:** 2010 CBD Traffic Study – Consultant Recommendation

### **Background**

As part of the comprehensive Downtown Strategic Plan (DSP) approved by the Village Board in 2009, specific projects were identified in order to move forward with implementation of the DSP. One such project was to conduct a Central Business District (CBD) Traffic Study that focuses the potential conversion of one-way streets to two-way street and the resulting impacts on traffic circulation and parking supply.

### **Issues**

A Request for Proposal (RFP) was drafted, reviewed internally, and distributed to eleven (11) firms with traffic engineering experience. Seven (7) firms submitted proposals for the project. These proposals were reviewed and evaluated by our review team. A complete summary of the review process is included in the attached memorandum by Professional Engineer Bob Minix.

The review team has recommended the firm of Kenig, Lindgren, O'Hara, Aboona, Inc. (KLOA) for the project. KLOA provided the most complete proposal based on the combination of experience, expertise, and overall cost effectiveness. The fee associated with the proposal totaled \$39,600, which is commensurate with our \$40,000 budgeted figure. KLOA submittal includes partnerships with Walk Parking Consultants and Fish Transportation Group.

### **Action Requested**

Motion to approve a professional services agreement with KLOA, Inc. of Rosemont for conducting a Traffic Study for the Central Business District of the Village of Glen Ellyn in a not-to-exceed amount of \$43,500 (including a 10% contingency), to be expensed to the FY 10 - 11 Special Programs Fund.

### **Recommendation**

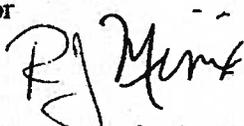
I recommend approval of the contract.

### **Attachments**

- Memorandum dated August 10, 2010 (with attachments) authored by Professional Engineer Bob Minix

## Interoffice Memorandum

**to:** Joe Caracci, Public Works Director

**from:** Bob Minix, Professional Engineer 

**subject:** 2010 CBD Traffic Study – Recommendation for Consultant Selection

**date:** August 10, 2010

In 2009 the Village of Glen Ellyn concluded and approved a Downtown Strategic Plan (DSP), culminating a two-year process involving extensive planning and community input measures. The DSP identifies several objectives, strategies and measures to achieve the goal of an attractive and economically viable downtown. Improved traffic circulation and parking are among the several objectives established in the DSP. The conversion of one-way streets to two-way travel has perceived benefits relative to ease of downtown access and mobility, but the beneficial impacts of such a change need to be analyzed and verified. Another objective is to improve the sufficiency and convenience of the downtown parking supply.

As one of the first steps in implementing the DSP, the Village is now ready to engage a qualified consulting firm to assess traffic patterns and parking in the Village Central Business District (CBD) to determine the impacts of changing existing one-way streets to two-way and implementing other features recommended in the DSP. The consultant will conduct field studies, perform analyses and provide recommendations for both short-term and long-term traffic and parking changes in the CBD. An overall objective of the effort is optimizing traffic flow while maximizing pedestrian, biker and vehicular safety and providing sufficient parking.

A Request for Proposal (RFP) was drafted, reviewed internally and distributed to 11 firms with traffic engineering expertise in July 2010. A copy of the final version of the RFP is enclosed for reference. In early August, 7 proposals were received from interested firms. The primary Village review team – consisting of Village Planner Michele Stegall, Village Traffic Consultant Tom Adomshick of James J. Benes & Associates and Professional Engineer Bob Minix – examined the submitted written materials and met to discuss and debate the merits of the proposals and the consultants. Public Works Director Joe Caracci also participated in the review meeting. The review team is pleased to make a **recommendation for the firm of Kenig, Lindgren, O'Hara, Aboona, Inc. (KLOA)** for the assignment. KLOA is teaming with Walker Parking Consultants and Fish Transportation Group. The KLOA team was judged the best based on a combination of relevant experience, technical expertise and overall cost-effectiveness. The consultant's fee request of \$39,600 is commensurate with the earmarked amount of \$40,000 identified in the initial FY 10 – 11 budget; the final version of the budget did not identify specific downtown initiatives, deferring project rollouts to an appropriate future time in the budget year.

## SUMMARY OF PROPOSALS

As mentioned previously, seven proposals were received on August 3 as requested in the RFP. The firms submitting, the anticipated personnel-hour effort and requested fee are shown in the following table.

<b>Village of Glen Ellyn CBD Traffic Study Proposals in Response to July 2010 RFP</b>			
<b>Lead Firm</b>	<b>Assisting Firm(s)</b>	<b>Personnel Hours</b>	<b>Requested Fee</b>
Civiltech	-	472	\$49,900
Desman Associates	-	320	\$54,400
Gewalt Hamilton	Houseal Lavigne Walker Parking	268	\$39,900
KLOA	Walker Parking Fish Transportation	288	\$39,600
Metro Transportation	Walker Parking Transportation Strategies	398	\$59,100
Sam Schwartz	-	580	\$39,100
V3 Companies	-	565	\$60,000

All the submittals were quite responsive to the RFP and all the consultants provided reasonable credentials and qualifications. Of course, each firm approached the project in a different manner, as evidenced by the level of effort and cost shown.

## ASSESSMENT OF PROPOSALS

Each of the members of the Village review team reviewed the proposals independently, then met together to assess the information. After preliminary discussions, the group began to focus on three proposals in particular, provided by Civiltech, Sam Schwartz and KLOA. After further discussions, KLOA became the consensus choice based on their extensive traffic planning experience represented both corporately and within the designated project team; excellent project understanding; and their thorough and technically proficient proposed work program. The KLOA team is familiar with the Village based on recent assignments, including Walker Parking Consultants involvement with the DSP. The KLOA proposed fee is competitive. The Village review team is confident that KLOA can perform the project successfully and generate information vital and enduring for the ongoing implementation of the DSP.

Excerpts from the KLOA proposal are enclosed for reference.

Funding for the CDB traffic study in the amount of **\$43,500** (including 10% contingency) should be taken from the Special Programs Fund – Economic Development, Account No. 22700-521055, Professional Services / Other in the FY 10 – 11 Village budget.

enc. as noted

cc: Steve Jones, Village Manager  
Kristen Schrader, Assistant to the Village Manager – Administration  
Staci Hulseberg, Planning and Development Director  
Phil Norton, Police Chief  
Michele Stegall, Village Planner  
Jeff Perrigo, Civil Engineer  
Tom Adomshick, James J. Benes & Associates, Inc.

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July 16, 2010

TO: INTERESTED CONSULTANTS

SUBJECT: **REQUEST FOR PROPOSAL  
CENTRAL BUSINESS DISTRICT TRAFFIC STUDY  
VILLAGE OF GLEN ELLYN**

**Village President**  
Mark Pfefferman

**Trustees**  
Jim Comerford  
Peter E. Cooper  
Phillip Hartweg  
Carl L. Henninger  
Peter F. Ladesic  
Michelle Z. Thorsell

**Village Clerk**  
Suzanne R. Connors

**Village Manager**  
Steve Jones

**Civic Center**  
535 Duane Street  
Glen Ellyn, IL 60137  
630 469-5000  
Fax 630 469-8849  
Web: [www.glenellyn.org](http://www.glenellyn.org)

**Police Department**  
535 Duane Street  
630 469-1187  
Fax 630 469-1861

**Public Works Department**  
30 South Lambert Road  
630 469-6756  
Fax 630 469-3128

The Village of Glen Ellyn wishes to engage a qualified consulting firm to assess traffic patterns and parking in the Village Central Business District (CBD) to determine the impacts of changing existing one-way streets to two-way and implementing other features recommended in the recently completed Downtown Strategic Plan (DSP). The consultant will conduct surveys, perform analyses and provide recommendations for both short-term and long-term traffic and parking changes in the CBD. An overall objective of the effort is optimizing traffic flow while maximizing pedestrian, biker and vehicular safety and providing sufficient parking.

The study limits will be Hawthorne Street on the north, Park Boulevard on the east, Hill Avenue on the south and Prospect Avenue / Western Avenue on the west. A map of the project area indicating existing traffic directions is enclosed for reference. A number of streets in the area are either permanently one-way or are normally two-way except for periods of time on Sundays. In Village Code Section 9-5-4 a Schedule of One-Way Streets in the Village is published. The Village Code is available online at the Village of Glen Ellyn website <http://www.glenellyn.org>: select Village Code Online from the top menu bar on the home page.

The Downtown Strategic Plan creates a vision for the future of downtown Glen Ellyn. The plan will be used to guide Village efforts in the downtown for the next 10 to 20 years. The DSP lays out steps necessary for the implementation of the plan, some of which are relatively simple and can occur in the short term, and others of which are more complex and costly and will require more evaluation and study before they can be undertaken. The final strategic plan report is available online and can be accessed via the Planning & Development Department selection found in the Village Departments area on the home page.

Additional resources that may be of interest on the website include various street and zoning maps. Select Village Publications on the home page and look under Maps.

**Proposals are due by the close of business on Tuesday, August 3, 2010.** Four copies of the proposal for the Central Business District Traffic Study are to be submitted to:

Joe Caracci, Public Works Director  
Glen Ellyn Public Works Department  
30 South Lambert Road  
Glen Ellyn, IL 60137

## **PROJECT SCOPE**

The following points represent staff views on project needs, issues and endpoints; the consultants are welcomed and encouraged to refine these in the development of their scope of services. The consultant will:

- Familiarize itself with current parking arrangements and traffic patterns in the CBD.
- Familiarize itself with the Downtown Strategic Plan.
- Receive input from major project stakeholders within Village government (including the Village Board), businesses, institutions and the overall community regarding CBD traffic and parking. Considerable input from meetings and surveys conducted during the DSP has already been obtained and the Village team will assist with coordination with the Village Board, CBD business community, schools and transportation agencies. It is envisioned that a public meeting with area churches would be led by the consultant. A second, general stakeholder public meeting would also be conducted by the consultant to elicit comments from the wider community. The consultant would also conduct short one-on-one interviews with Village departments and Fire Company.
- Conduct periodic progress meetings with the Village project team.
- Coordinate with the Planning & Development Department regarding other planning efforts associated with CBD redevelopment.
- Perform necessary traffic counts. The following traffic counts are recommended:

To analyze reinstating two-way traffic around the block bordered by Main, Crescent, Forest and Pennsylvania, perform peak hour counts at the following intersections:

- Main St. & Crescent Blvd.
- Main St. & Pennsylvania Ave.
- Forest Ave. & Crescent Blvd.
- Forest Ave. & Pennsylvania Ave.

To analyze reinstating two-way traffic on Hillside and on Forest south of the railroad, perform peak hour traffic counts at the following intersections:

- Main St. & Duane St.
- Main St. & Hillside Ave.
- Main St. & Phillips Ave.

School operations potentially may impact when the afternoon peak hour occurs. Extended afternoon count periods to encompass the peak end of school period should be conducted to insure that the highest afternoon peak hour is considered near Glenbard West and St. Petronille's.

To document the daily traffic changes that result from converting the one-way back to two-way streets, before and after 24-hour counts should be taken. Possible locations to monitor would be:

- Hillside and Phillips both east and west of Main
  - Forest Avenue 1 or 2 blocks south of Duane
  - Forest Avenue north of the railroad and north of Anthony
  - And the current one-way sections of Main, Crescent and Pennsylvania
- 
- Perform Parking Analysis – The DSP includes a fairly detailed parking study that includes an inventory of existing parking supply, existing occupancy data in the various parking areas, and short term and long term parking recommendations. The data was collected in April and June of 2008. It appears the DSP includes most, if not all parking data needed to evaluate the impacts of the traffic circulation modifications. In the CBD Traffic Study, the parking analysis should focus on local impacts on a street-by-street basis, quantifying gains/losses and assessing consequences. The Duane / Lorraine and Montclair parking lots – located just outside the study limits – are to be considered in the parking analysis.
  - Perform analyses required to assess changes in roadway traffic configurations on traffic and parking. Assessments are required for both the existing roadway configuration (immediate term) and possible roadway closures (sections of Forest Avenue and Crescent Boulevard) coupled with existing parking lot closures and additions recommended in the DSP (long term).
  - Review and identify opportunities for additional parking supply on streets within the project area (focus on CBD core) where roadway traffic configurations will not be changed.
  - Identify required changes in striping, channeling devices, signage and traffic control devices and indicate associated costs required to implement changes in roadway traffic configurations and parking on a block-by-block basis. Develop drawings showing the proposed configuration modifications for parking and traffic flow for each street segment, identifying the impacts on parking supply. The geometry of proposed roadway / on-street parking changes should be checked for conformity with applicable design standards, especially on federal aid routes.
  - Develop a phased implementation strategy tied to CBD redevelopment stages.
  - Write a report documenting processes, analysis techniques, results, recommendations and costs.
  - Present results to the Village Board.
  - The Village reserves the right to request digital input data files for any computer analyses conducted, with no limitation on usage, but with the understanding that use of such data will be at the sole risk of the Village.

Project key points and issues include, but are not necessarily limited to, the following:

- Safety related to traffic movements near and across railroad crossings and pedestrian crossings.
- Close interaction with primary project stakeholders, providing ample opportunity for input and discussion.
- Traffic movements during railroad commuter and freight operations through the Village, including possible diversions associated with the Taylor Avenue underpass located east of the CBD.
- Advantages and disadvantages of angle vs. parallel parking including the effect on the number of spaces and the relative safety of movements.
- Traffic operations on Sundays near churches
- Minimize loss of on-street parking in the CBD.

Key project stakeholders include:

- Village of Glen Ellyn Village Board, as elected representatives of the entire community
- Village Departments, including Administration, Planning & Development, Police, Finance and Public Works departments
- Glen Ellyn Fire Company
- Central Business District Businesses and Residents, including various associations and organizations such as the Chamber of Commerce and Economic Development Corporations
- Study area churches
- Glenbard School District #87 and Glenbard West High School
- Metra, the Union Pacific Railroad and PACE
- Village project team, including review consultants

## **PROPOSALS**

Please provide a letter of proposal describing your approach, recommendations, schedule, limitations and fees for the CBD traffic study. Important features/critical items associated with the project should be identified and discussed. A description/discussion of the proposed engineering services work products should be included. A schedule with important milestones should also be provided. Proposal meetings and interactions with Village staff, as well as what items are required from the Village, should also be discussed. Proposed project meetings, in addition to staff meetings, should be identified. Please note that the Village will make available whatever records or archival information it may possess; however it will be up to the consultant to review the records in the Village offices and work with staff to secure the necessary information. The consultant should be prepared to supply personnel familiar with ArcView and AutoCAD in order to effectively mine the Village's available GIS and engineering data.

The form of the contract should be the cost-plus type. Proposed project personnel hours and associated compensation schedule should be provided. Consultant fees should also include an allowance for all direct expenses. It will be the Consultant's responsibility to provide detailed manpower and direct cost information with the project invoices so that all project activities and associated costs are clearly identified. The proposal should be configured or include a suitable contract form for signing by Village officials.

## **EVALUATION CRITERIA**

Some key items will be looked at closely by the project team in the evaluation of the consultant qualifications and proposals:

- Expertise in traffic and parking studies
- Experience with similar projects
- Familiarity with communities of similar size and configuration to Glen Ellyn
- Schedule, including readiness to serve and level of commitment to meet the proposed milestone dates
- Project staffing and organization
- Project manager background and experience
- Project understanding
- Project approach
- Quality control measures
- Overall quality of the proposal
- References for similar projects

**Village of Glen Ellyn Traffic Study RFP**

**July 16, 2010**

**Page 6**

**SCHEDULE**

<b>Request for Proposal to Consultants</b>	<b>July 16, 2010</b>
<b>Written Proposals Submitted</b>	<b>August 3, 2010</b>
<b>Follow-up and possible Interviews (via phone)</b>	<b>August 6 and August 9</b>
<b>Recommendation to Village Board</b>	<b>August 10, 2010</b>
<b>Anticipated Contract Award by Village Board</b>	<b>August 23, 2010</b>
<b>Begin Project</b>	<b>August 30, 2010</b>
<b>Complete Project</b>	<b>February 25, 2011</b>
<b>Presentation to Village Board</b>	<b>March 21, 2011</b>

Thank you for your interest in Village of Glen Ellyn projects and the favor of a response to this Request for Proposal. Please contact me at 630-547-5514 or bobm@glenellyn.org with any questions.

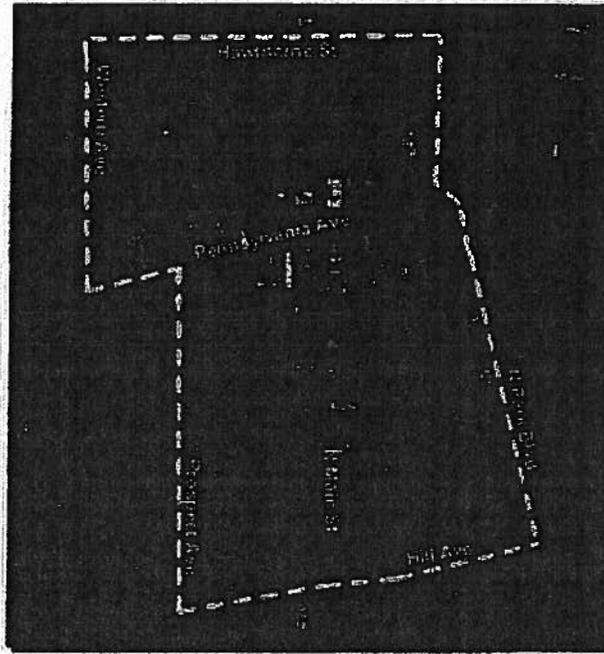
Very truly yours,

**Robert J. Minix, Professional Engineer  
Glen Ellyn Public Works Department**

**cc: Steve Jones, Village Manager  
Joe Caracci, Public Works Director  
Staci Hulseberg, Planning and Development Director  
Phil Norton, Police Chief**

Proposal

**Village of Glen Ellyn**  
**Central Business District Traffic Study**



Submitted To:



Submitted By:



**WALKER**  
PARKING CONSULTANTS



August 3, 2010



9575 West Higgins Road, Suite 400 | Rosemont, Illinois 60018

p: 847-518-9990 | f: 847-518-9987

August 3, 2010

Mr. Joe Caracci, Public Works Director  
Glen Ellyn Public Works Department  
30 South Lambert Road  
Glen Ellyn, Illinois 60137

Dear Mr. Caracci:

Kenig, Lindgren, O'Hara, Aboona, Inc. (KLOA) is pleased to submit this proposal to conduct a Traffic Study for the Central Business District (CBD) of the Village of Glen Ellyn. The study will assess traffic patterns and the on-street parking supply to determine the impacts of changing existing one-way streets to two-way operation. The CBD traffic study will also consider several key objectives identified in the recently completed Downtown Strategic Plan (DSP), including optimizing traffic flow, maximizing on-street parking opportunities, and enhancing pedestrian, bicycle and vehicle safety. The study limits are Hawthorne Street on the north, Park Boulevard on the east, Hill Avenue on the south, and Prospect Avenue/Western Avenue on the west.

The KLOA team is extremely well-qualified to undertake this assignment for the Village of Glen Ellyn, as highlighted below:

1. KLOA is an experienced traffic and transportation planning and engineering firm that has been retained by numerous municipalities in Northeastern Illinois to evaluate traffic conditions through their Central Business Districts (CBD). KLOA is pre-qualified by IDOT in Traffic Studies, Traffic Signals and Safety Studies. We are joined by Walker Parker Consultants (WPC), a global parking consulting and design and Fish Transportation Group (FTG), an Oak Park-based transportation engineering and data collection firm and a certified disadvantaged business enterprise (DBE) with the Illinois Unified Certification Program.
2. KLOA has performed CBD traffic studies and corridor studies throughout Northeastern Illinois, many for communities that are experiencing the same types of traffic impacts and economic pressures as Glen Ellyn. We are currently engaged in a similar study for the City of Blue Island to convert a one-way couplet in their CBD (Western Ave and Gregory St) to bi-directional operation. KLOA also recently evaluated the conversion of 60<sup>th</sup> Street to one-way operation to increase on-street parking adjoining the University of Chicago campus. Other traffic studies have been completed with the CBD's of the Villages of Tinley Park, Glenview, Palatine, Elburn, Lombard, Oak Park and the City of Evanston, among others. Several of these studies included the evaluation and conversion of one-way couplets. WPC has conducted parking demand studies and has designed parking facilities for more than 30 communities in Northeastern Illinois, including Glen Ellyn, Wheaton, Elmhurst, St. Charles, Naperville, Lisle, Hinsdale, Geneva and La Grange, among others. FTG has conducted traffic counting programs for the Illinois Department of Transportation, McHenry County Division of Transportation, Chicago Department of Transportation, and many other public agencies.

Mr. Joe Caracci  
August 3, 2010  
Page 2

3. The KLOA team is very familiar with the Village of Glen Ellyn CBD. KLOA recently completed a traffic study for Diamonte Montessori School at Hillside Avenue and Park Boulevard, and WPC recently completed the CBD parking inventory and parking demand study for the DSP.
4. KLOA's work programs are comprehensive and extend beyond the typical traffic analysis. We evaluate the entire CBD from a functional perspective (i.e., vehicular and pedestrian circulation, access, sight distance, parking layout, safety, etc.) and understand the local impacts to surrounding land uses. We also apply Context Sensitive Solutions and Complete Streets practices to insure the public right-of-way provides a delicate balance between the needs of all users (i.e., vehicles, pedestrians, bicyclists).
5. KLOA maintains state-of-the-art technologies significant to traffic engineering and transportation planning. We utilize Synchro 7 computer software that interacts with SimTraffic 7 animation software, which is ideal at visually depicting traffic operations for various road design alternatives in an easily understandable manner at public meetings.

Finally, we have the resources and will make the commitment to assist the City in developing a quality workable plan that achieves consensus amongst stakeholder groups, fulfills the goals of the Village, and is completed within budget and within a very expeditious schedule. We will commit senior-level staff to manage this effort. From KLOA, Michael Werthmann, PE, PTOE will serve as project manager. From WPC, Gary Koch, PE will lead the parking analysis. From FTG, Lee Fish will oversee the traffic data collection efforts.

The main body of this proposal identifies our project understanding, work program, schedule and cost estimate, project staff, and qualifications and experience. Staff resumes are in the Appendix.

We thank you for your consideration of the KLOA team and look forward to working with the City of Glen Ellyn on this important project. Having the KLOA team as your consultant will make a difference. If you have any questions or we can provide any further information related to this proposal or our firms, please do not hesitate to call us at (847) 518-9990.

Yours truly,



Michael A. Werthmann, PE, PTOE  
Principal

Proposal

**Village of Glen Ellyn  
Central Business District Traffic Study**

Submitted To The:

**Village of Glen Ellyn**

Submitted by:

**Kenig, Lindgren, O'Hara, Aboona, Inc. (KLOA, Inc.)  
Walker Parking Consultants  
Fish Transportation Group, Inc.**

August 3, 2010

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## Appendix

# 1.

## **Project Understanding**

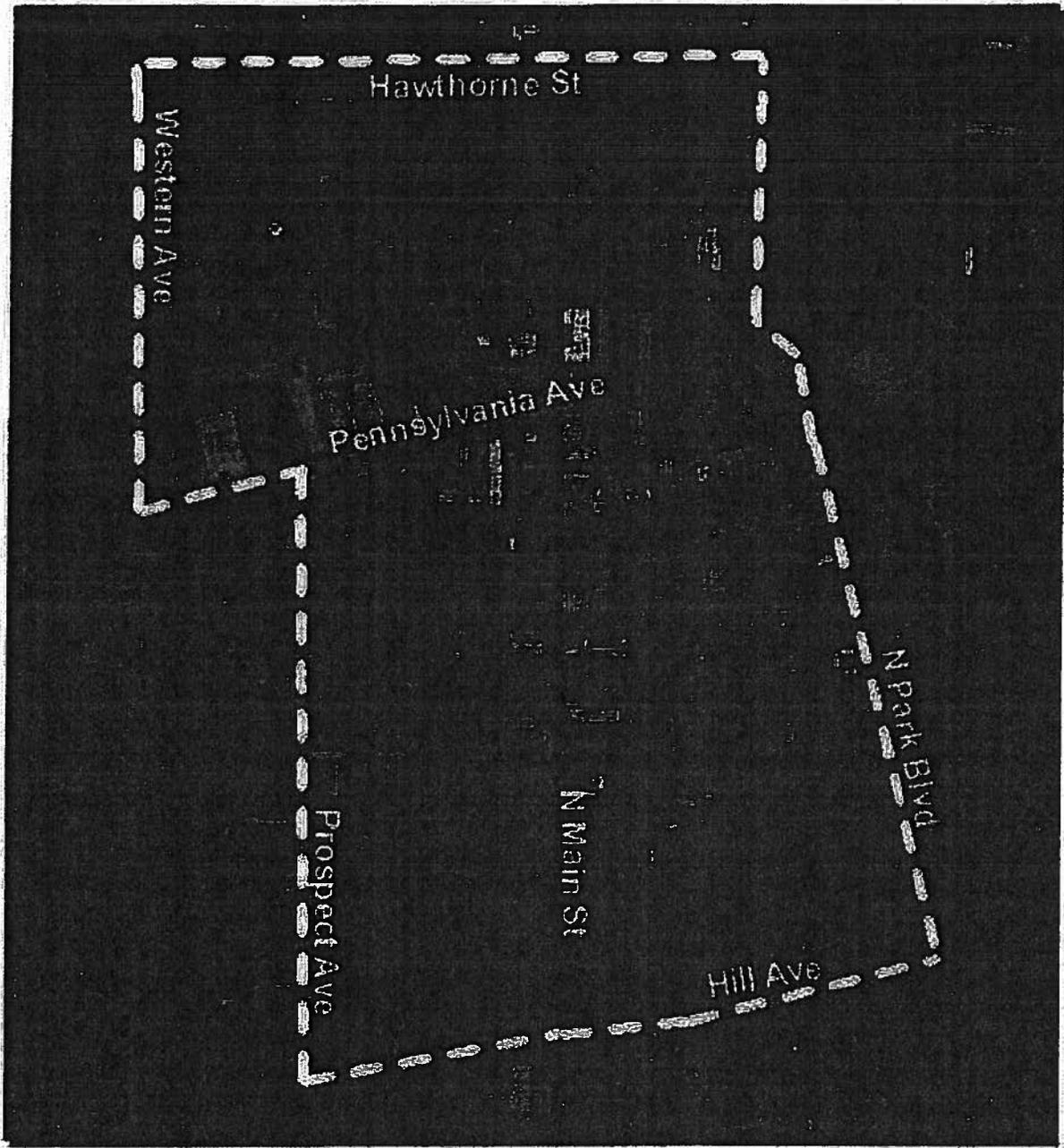
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The Village of Glen Ellyn's central business district (CBD) has traditionally developed along its Main Street. As the community developed and traffic volumes increased, some of the streets within the CBD were changed to one-way circulation to improve traffic flow and move cars more quickly through the CBD. The result, however, has created driver confusion and locations where traffic crashes are more prevalent, such as at Main Street and Crescent Boulevard. Like many similar communities, the Village of Glen Ellyn now desires to convert these one-way streets back to two-way flow to minimize driver confusion, reduce crash potential, and improve traffic circulation and access to adjoining businesses. A key objective of the study, in support of these businesses, is to minimize the loss of street parking by conversion of the streets to two-way flow.

The Union Pacific railroad bisects the Glen Ellyn CBD in an east-west direction. Freight and Metra commuter rail trains operate on the railroad with substantial frequency (more than 100 trains per day), resulting in frequent traffic delays and congestion. The one-way street system restricts circulating options when the train gates are down at Main Street, Prospect Avenue and Park Boulevard. Converting the one-way streets to two-way flow will also help relieve gridlock associated with train traffic.

Of equal importance to improving traffic flow, however, is enhancing pedestrian and bicycle access and safety within the CBD. The street conversion may provide the opportunity to reduce the street width, expand the sidewalk widths, and create a more vibrant roadside zone for outdoor dining and streetscaping. The KLOA team will look for additional means of enhancing the pedestrian experience by reducing intersection crossing distances, make crosswalks more visible and providing more information to pedestrians on crossing times.

As with any plan, the practicality of its implementation is reliant on available local funding and grant programs available through the federal and state governments. Identifying project costs and funding options is a critical element of this study. The study area is generally bounded by Hawthorne Street on the north, Park Boulevard on the east, Hill Avenue on the south, and Prospect Avenue/Western Avenue on the west, as shown in Figure 1.



**Figure 1**  
**Study Area**

## 2. **Proposed Work Program**

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The KLOA team has developed a work program that we believe to be responsive to the Village's Request for Proposals for a Central Business District Traffic Study. Below we have outlined the work tasks necessary to review and collect the traffic and parking data, communicate with Village officials and project stakeholders, complete the technical traffic and parking analyses, develop an phased implementation strategy, document our findings and recommendations, coordinate further with Village staff, and present the study results to the Village Board.

### **Task 1: Kick-Off Meeting**

The KLOA project manager and WPC lead consultant will meet with Village staff to review the scope of work for the project, confirm the study area, determine data items available from staff, confirm project milestones and schedule, plan for the stakeholder meetings, discuss reporting protocol, and gain an understanding of significant traffic, transportation, parking, pedestrian, bicycle and/or safety issues affecting the study area.

### **Task 2: Meetings, Interviews and Agency Coordination**

The KLOA team will work to include all stakeholder groups in the study process in an effort to achieve consensus on the reconfiguration of the subject streets to two-way flow. KLOA will organize and lead two public meetings with stakeholders in the project, including Village officials, CBD business representatives, church and school groups, and other interested parties. For budgeting purposes, we have assumed attendance at two public meetings. In addition, the KLOA team will arrange a day to conduct one-on-one interviews with representatives from various Village departments and from the Fire Company.

KLOA will also invite the regional transportation agencies to participate in the process, including Metra, Pace and the Union Pacific Railroad. We will discuss their issues and concerns with the two-way street modifications and determine the necessary follow-up actions (i.e., studies, permits, etc.) necessary for agency approval and implementation of any railroad signal control modifications and/or bus routing. The KLOA team will summarize all required agency follow-up steps under project implementation strategies.

Project progress meetings will be conducted with Village staff to review and discuss work completed to date, coordinate on upcoming meetings, and review the project schedule and budget status. Considering the estimated 5-month time frame for completion of the project and the public meeting schedule, for budgeting purposes we have assumed a need for two progress meetings over the course of the study.

### **Task 3: Data Collection and Review**

The KLOA team is familiar with and has reviewed the study area, having conducted traffic studies in the CBD area in the past and performed the parking demand study as part of the Downtown Strategic Plan process. The team will reconnoiter the study area and its environs in greater detail to further inventory and observe the current street design, traffic operations and controls, parking conditions, pedestrian safety measures and bicycle accommodations, truck routes, access to loading facilities for adjoining businesses, adjacent land uses, and public transit routes, stops and amenities. Major opportunities and constraints to the current and proposed street system will be identified. Emphasis will be placed on the effect that railroad operations have on traffic movements in the CBD.

To establish base traffic conditions on the streets that will be most impacted by the conversion of the CBD streets to two-way flow, FTG will conduct automated traffic counts during the week over a 48-hour period at the locations listed below. From this data FTG will determine the average daily (24-hour) traffic volumes carried on these street segments.

- Hillside Avenue, east of Main Street
- Hillside Avenue, west of Main Street
- Phillips Avenue, east of Main Street
- Phillips Avenue, west of Main Street
- Forest Avenue, between Hillside Avenue and Phillips Avenue
- Forest Avenue, between Pennsylvania Avenue and Crescent Boulevard
- Forest Avenue, between Cottage Avenue and Anthony Street
- Main Street, between Pennsylvania Avenue and Crescent Boulevard
- Crescent Boulevard, between between Pennsylvania Avenue and Crescent Boulevard
- Pennsylvania Avenue, between Pennsylvania Avenue and Crescent Boulevard

In addition, to establish peak hour traffic conditions at the key intersections effected by the two-way conversion and to serve as a basis for the capacity analysis, KLOA will conduct peak period (manual) traffic and pedestrian counts during the weekday morning and afternoon peak periods at the seven intersections noted in the RFP plus two additional intersections, as listed below. The counts will be conducted from 7:00-9:00 A.M. in the morning and from 2:00-6:00 P.M. in the evening. The evening counts will be conducted over a longer period of time than the morning to determine if traffic conditions around dismissal time at Glenbard West High School and St. Petronille School exceed traffic conditions around the typical evening commuter rush hour. In the morning, school arrival traffic coincides with the typical commuter rush hour.

- Main Street / Crescent Boulevard
- Main Street / Pennsylvania Avenue
- Main Street / Duane Street
- Main Street / Hillside Avenue
- Main Street / Phillips Avenue
- Forest Avenue / Crescent Boulevard
- Forest Avenue / Pennsylvania Avenue
- Forest Avenue / Anthony Street
- Forest Avenue / Hillside Avenue

Spot traffic counts and observations will also be conducted on a Sunday morning to observe church traffic movements and capacity needs, and relate the volume levels to the typical weekday peak hour conditions.

We will seek to obtain the following data from the Village of Glen Ellyn, IDOT, DuPage County, Metra, Pace and the Union Pacific Railroad.

- Electronic base-mapping (GIS) files of the street, right-of-way, sidewalk, bike path, etc.
- Electronic aerial photograph files of the study area
- Historic daily (ADT) traffic and truck traffic volumes
- Traffic signal phasing plans
- Accident records for study area intersections and streets with on-street parking
- Street functional classification maps
- Truck route maps
- Committed or planned street improvements in the study area
- Significant CBD development projects in the planning stages
- Current ridership levels on Pace Route 715
- Current boarding and alighting counts at Glen Ellyn Metra station
- Planned changes in service or routing on the Pace routes

#### **Task 4: Traffic Analysis**

KLOA will summarize the existing street conditions, traffic volumes, pedestrian movements, traffic controls, parking conditions, truck routes, and public transportation stops on appropriate exhibits suitable for inclusion into the project report. Capacity analyses will be performed for the intersections in which peak hour traffic data is collected to identify existing operating performance (i.e., level of service, average vehicle delay) using Synchro or HCS computer software. In addition, the road system will be modeled in SimTraffic computer software to simulate the existing traffic operations, including the effects of train movements, for presentation purposes.

The analysis will identify current street system deficiencies, meaning streets or intersections that are either currently operating over capacity or with inappropriate traffic control. The existing conditions evaluation will also identify barriers to pedestrian safety at intersections, Pace bus stops, the Metra station, and the railroad grade crossings.

Based on the existing traffic volumes collected, the directional distribution of traffic approaching and departing the CBD will be determined. The existing volumes will then be reassigned onto the proposed street system that includes two-way flow on all CBD streets and the possible closure of sections of Forest Avenue and Crescent Boulevard and existing parking lots. The reassigned traffic volumes will be shown on an exhibit included in the project report. Future traffic volumes will be projected based on the DSP and significant planned developments to be included in the study, as defined by Village staff. Intersection peak-hour capacity analyses will then be conducted for the CBD intersections under the proposed street scenario to determine appropriate traffic controls, the operating performance of the modified intersections, the need for auxiliary (turn) lanes, and the impact to church traffic on Sundays. Capacity analysis results will be shown in tabular format in the project report. For all of the signalized intersections for which traffic data has been collected, an evaluation will be made to determine if federal/state traffic signal warrants contained within the *Manual on Uniform Traffic Control Devices for Streets and Highways* (MUTCD) will continue to be satisfied or whether other traffic control measures would be more appropriate. Traffic flow and vehicular safety at the railroad grade crossings will be paramount to the analysis and conceptual design plans.

### **Task 5: Parking Analysis**

The on-street parking supply within the CBD is reserved for CBD customers and is regulated with 3-hour time limits. These spaces are very convenient and consequently well-utilized by CBD patrons. A detailed parking inventory and utilization study of the on- and off-street parking in the CBD was completed by WPC during the DSP process. Based on this data, WPC will evaluate each block within the CBD study area in an effort to optimize the volume of street parking provided, particularly on the existing two-way streets that will not change with the proposed two-way street conversions. WPC will explore various parking angles within the existing street width and review the spacing of parking stalls from cross-streets, alleys, driveways and fire hydrants. The advantages and disadvantages of each parking option, including a comparison between angle parking and parallel parking options, will be discussed. In addition, WPC will review accident records to determine any trends related to the angle of parking for the on-street spaces.

On the streets that will be reconfigured from one-way flow to two-way flow, WPC will work with KLOA to develop a conceptual geometric street plan (Task 6) that maximizes street parking. WPC will analyze the CBD study area on a block-by-block basis to quantify the potential on-street parking gains or losses. To mitigate the impacts from any potential parking losses, WPC will review the previously completed parking utilization surveys to determine if parking surpluses presently exist in the nearby off-street public parking lots (i.e., Duane/Lorraine, Montclair, Main/Penn lots) to absorb the demand from the potential on-street parking losses.

### **Task 6: Development of Conceptual Street Modification Plans**

KLOA will utilize GIS base mapping and aerial photography provided by the Village to develop alternative conceptual street modification plans that depict two-way travel on all CBD streets. The conceptual plans will illustrate, in a block-by-block detail, the proposed changes in lane striping and channelization, turn lanes, on-street parking, pedestrian crossings, traffic control

devices and traffic control signs. All proposed geometric changes will be checked for conformity with applicable state and federal design standards. Up to three alternative plans may be developed on any particular block, especially those being converted to two-way flow or those in which parking layout changes are proposed. Illustrative typical street cross-sections (within the public right-of-way) will be developed on streets proposed to change to two-way flow. Based on comments received at the public meetings and staff progress meetings, a preferred conceptual design will be selected for each block of the CBD.

The intersection geometrics will be designed to accommodate truck and bus movements, where appropriate. A determination will be made as to whether the existing Pace Bus Route 715 routing should be adjusted by the proposed reconfiguration of the streets adjoining the Glen Ellyn Metra Station (i.e., Forest Avenue, Crescent Boulevard, Pennsylvania Avenue, Main Street) and whether bus stops should be relocated or added.

Pedestrian and bicycle safety within the CBD will be emphasized in the conceptual street modification plans. Opportunities will be explored to incorporate intersection bump-outs, crosswalk enhancements and pedestrian signal upgrades into the plans. Street cross-sections will reflect dedicated bike lanes or shared lanes, where possible, with connections to the Illinois Prairie Path and Glen Ellyn Metra Station prioritized, as well as to Loraine Road at Duane Street, where a proposed local bikeway is envisioned by DuPage County continuing south to Roosevelt Road and points beyond. Safety

### **Task 7: Preliminary Construction Cost Estimates**

KLOA and WPC will develop planning-level construction cost estimates for the street improvements necessary to implement the preferred two-way traffic plan for the CBD. Costs will include lane striping and channelization, curb modifications, traffic signal modifications, parking reconfigurations and crosswalk enhancements, among other items.

### **Task 8: Implementation Strategy and Phasing**

The KLOA team will develop a strategy for implementing the proposed street modifications, consistent with the CBD redevelopment stages described in the DSP. The strategy will include a phased action plan to define the follow-up actions along with project milestones and critical path tasks, such as Phase 1 engineering plans (i.e., Intersection Design Studies) and Phase 2 engineering plans (street design plans, traffic signal modification plans), and the timeframes typically needed to complete these tasks and proceed through the regulatory agency's review processes. The plan will include near-term projects that can be implemented with relative ease at a reasonable cost, and long-term projects that will require more time to implement due to their complexity and/or need for cost participation by other agencies.

A critical element to implementing the two-way traffic plan is identifying and securing funding for the preparation of engineering plans and the construction of the street improvements. KLOA will summarize the local, state and federal funding sources available to the Village to implement the two-way traffic plan, and identify the steps and timing necessary to secure funding from these sources. These steps will be included in the action plan.

### **Task 9: Draft Report**

The study methodologies, analyses, concept plans, cost estimates and implementation strategies will be documented in a draft project report with appropriate tables, exhibits and appendices. Up to 15 bound copies of the draft report and one electronic copy will be provided to the Village for distribution to Village staff and the Village Board.

### **Task 10: Village Board Meeting**

After completion of the draft report and any follow-up meetings with stakeholder groups or Village staff, the KLOA team will present the study findings and final conceptual plans to the Village Board. The general public and CBD business community should be encouraged to attend this session. The KLOA team will utilize PowerPoint and SimTraffic software to illustrate the findings and recommendations in an easily understood manner.

### **Task 11: Final Report**

Based on comments received from the Village Board, the draft report will be revised and up to 15 bound copies of a final report and one electronic copy will be provided to the Village for Board approval.

### 3.

## Qualifications, Experience and References

Qualifications, experience and references for the KLOA team are included below for each firm respectively.

### **Kenig, Lindgren, O'Hara, Aboona, Inc. (KLOA, Inc.)**

Kenig, Lindgren, O'Hara, Aboona, Inc. (KLOA, Inc.) provides traffic, transportation and parking consulting services to public and private sector clients. Formed in 1995, KLOA Inc.'s mission is to respond to client needs in a timely, professional, and cost effective manner.

KLOA, Inc. is headquartered at 9575 W. Higgins Road in Rosemont, Illinois and has a staff of 9 transportation engineers and planners whom represent a wide array of talent and experience and have solved transportation challenges for both limited and broad scopes. Our staff represents over 125 years of professional service in various practice areas, including traffic operations analyses, corridor studies, multi-modal transportation planning, parking demand studies, functional parking design, preliminary engineering, traffic signal design, traffic impact and safety studies, and context sensitive solutions.

KLOA has developed transportation and parking plans for entire communities, downtown business districts, local and regional corridors, transit-oriented developments, community land use master plans, mixed- or single-use development plans, medical centers, and university/educational campuses. A selection of some of our experience in these areas is shown in the following table, which includes some of the highest profile projects in the greater Chicago area. Our staff works collaboratively with architectural and land planning firms, civil engineering consultants, real estate developers, facilities managers, attorneys, public officials, and other technical professionals to develop workable development plans.

As can be seen in the resumes of KLOA, Inc. staff located in the Appendix, this depth of experience has included virtually every aspect of transportation, traffic and parking planning encountered in the growth and/or rejuvenation of communities across the country. This staff is uniquely aware of and sensitive to the safety concerns, functional relationships and capacity

demands of the various elements of a community's transportation system and the private developments therein which contribute to the economic health of that community and its resident's needs.

KLOA is pre-qualified by IDOT in Traffic Studies, Traffic Signal Design and Safety Studies. KLOA staff is familiar with and utilizes state of the art computer models as a basic tool for travel demand forecasting, traffic assignments and capacity analyses. These analytical tools, along with sophisticated software for street operations analyses, are of critical importance in planning and evaluating municipal thoroughfares and solving neighborhood problems.

<u>City-wide Transportation Plans</u>		<u>CBD Transportation Plans</u>	
Frankfort, IL	Mt. Prospect, IL	Evanston, IL	Tinley Park, IL
Plainfield, IL	Elburn, IL	Glenview, IL	Downers Grove, IL
Ames, IA	Palatine, IL	Manhattan, IL	Westmont, IL
Sun Prairie, WI	La Grange Park, IL	Bensenville, IL	Woodridge, IL
		Oak Park, IL	Rochester, MN
		Park Ridge, IL	Mason City, IA
<u>Corridor Studies/Access Management Plans</u>		<u>Private-Large Scale Development Areas</u>	
Western Corridor Planning Project, Marengo, IL		Orchards Mall, Benton Harbor, MI	
Western Ave/Gregory St, Blue Island, IL		Southworks/Lakeside Development, Chicago, IL	
Milwaukee Ave, Niles, IL		IL Medical District, Chicago, IL	
Somonauk Rd, Cortland, IL		Trump Tower, Chicago, IL	
Madison St, Oak Park, IL		Chicago Spire, Chicago, IL	
IL 38, DeKalb, IL		Woodland Mall, Grand Rapids, MI	
183 <sup>rd</sup> St, Tinley Park-Homewood, IL		Northern Illinois U. Convocation Center, DeKalb, IL	
St. Charles Ave, Lombard, IL		Maple Hill Mall, Kalamazoo, MI	
Milwaukee Ave, Glenview, IL		Twelve Oaks Mall, Novi, MI	
Ardmore Ave/Villa Ave, Villa Park, IL		Abbott Laboratories Campus, Pleasant Prairie, WI	
Chicago Ave, Evanston, IL		Seneca I-80 Railport, Seneca, IL	
Weber Rd, Will County, IL		Westcor Shopping Center, Yuma, AZ	
IL 22, Lincolnshire, IL		Mayfair Mall, Wauwatosa, WI	
<u>Transit-Oriented Developments</u>		Burr Ridge Village Center, Burr Ridge, IL	
Metra Station Redevelopment, Morton Grove, IL		Shops at 29 <sup>th</sup> Street, Boulder, CO	
TOD Study/Davis St. Circulation, Evanston, IL		Old Orchard Shopping Center, Skokie, IL	
Library/Train Station Sub-Area, Glenview, IL		Louis Joliet Mall, Joliet, Illinois	
Uptown Redevelopment, Park Ridge, IL		Coralville Shopping Center, Coralville, IA	
LaSalle Park, Chicago, IL		North Grand Mall, Ames, IA	
Kinzie Station, Chicago, IL		Randhurst Shopping Center, Mount Prospect, IL	
Village Station, New Lenox, IL		The Shops at North Bridge, Chicago, IL	
Omnia Perf. Arts Center/TOD, Naperville, IL		Lakeshore East development, Chicago, IL	
Sherman Plaza, Evanston, IL		Central Station, Chicago, IL	
Main Street Triangle, Orland Park, IL		Roosevelt Collection, Chicago, IL	
		Prairie Stone Business Park/Sears Headquarters, Hoffman Estates, IL	

## Walker Parking Consultants

Walker Parking Consultants (WPC) is a global consulting and design firm providing innovative solutions for a wide range of parking and transportation issues. Founded in 1965, the firm has over 200 employees and is the worldwide leader in the parking field offering a full range of parking consulting, design, engineering and restoration services.

Serving a broad spectrum of markets including healthcare, education, government, aviation, residential, retail and commercial developments, entertainment, hospitality and athletics allows WPC staff to collaborate with a wide array of clients in order to develop best practices for their specific parking and traffic issues and help unlock the potential of their projects.

WPC prides itself in the ability to self perform with a full complement of experienced personnel including planners, economists, sociologists, architects, structural, mechanical, electrical engineers, graphics designers, operational and management consultants, material specialists, program and project managers.

WPC has a singular focus on parking and a dedication to developing designs that are LEED complimentary through the use of recycled or locally produced materials, energy efficient lighting systems, photovoltaic panels and access controls that minimize vehicular queuing and thereby reduce carbon emissions.

## Fish Transportation Group, Inc.

Fish Transportation Group, Inc. (FTG) specializes in multimodal transportation planning in urban and downtown locations. The firm provides expertise focused on the integration of transportation, land use, and community factors, working to improve mobility for all users of the transportation system. FTG also provides services for the collection of many different types of field and traffic data.

Founded in 1995 and located in Oak Park, Illinois, FTG is a woman-owned business and is certified as a WBE/DBE with the State of Illinois Department of Transportation, City of Chicago, Chicago Transit Authority, Metra Commuter Rail, and Pace Suburban Bus. FTG clients include counties, municipalities, local and regional transit agencies, planning agencies, business organizations, and community/civic organizations.

### Traffic Data Collection Services

◆ Turning movement counts	◆ Parking counts
◆ Machine counts	◆ Travel time studies
◆ Intersection diagrams	◆ Spot speed studies
◆ Signal timings	◆ Vehicle classifications
◆ Gap studies	◆ Pedestrian counts

FTG has acquired new state-of-the-art video traffic counting equipment (Miovision) which collects highly accurate traffic data and provides clients with video plus the typical traffic counting reports. Depending on client needs, FTG also uses Jamar Technologies and ITC/Pat America machine counters/classifiers and Jamar Technologies electronic traffic data count boards to provide accurate data collection. Collected data is compiled using Road Reporter, Petra, TraxPro, and PC Travel.

### **Project Experience**

As noted in our cover letter, the KLOA team is very familiar with the Glen Ellyn CBD and has conducted other similar CBD and corridor studies within the Greater Chicago area, including those that considered the reconfiguration of key streets to two-way travel or vice-versa.

A selection of past projects recently performed by KLOA, WPC and FTG that are similar in scope to that included in this proposal follows. References for these projects are located on the project summary sheets.

## 4.

# Project Staff

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The KLOA team is well experienced in working collaboratively with municipal staffs, elected officials, state agencies, technical committees, business organizations and stakeholder groups. The KLOA Project Manager, Mr. Michael A. Werthmann, will be assisted by Mr. Eric D. Russell, Ms. Kelly S. Conolly and Mr. Gregory J. Gedemer, with quality control/quality assurance provided by Mr. Neil S. Kenig. Mr. Werthmann and/or Mr. Russell will coordinate with our subconsultants WPC and FTG on the traffic data collection, parking analysis and conceptual street plan development. All firms on the KLOA team have a proven track record supported by references from municipal officials. All firms will collaborate effectively and work diligently to achieve the Village of Glen Ellyn's goals and objectives for this study, and do so within an expeditious 4-month schedule.

### **KLOA, Inc.**

*Michael A. Werthmann, PE, PTOE.*, Principal, will serve as Project Manager on this assignment. As project manager, he will perform and/or oversee the required technical analyses, prepare the study report, and attend all project meetings. Mr. Werthmann has 20 years of experience as project manager or project engineer on numerous traffic, transportation, parking and pedestrian planning and engineering assignments for public agencies and private developments of every type of land use. Mr. Werthmann recently served as project manager for the 18-zone neighborhood traffic study prepared for the Village of Mount Prospect and the 6-sub area neighborhood traffic study conducted for the City of Darien. Mr. Werthmann has also conducted CBD traffic studies, parking and corridor studies in Wheaton, Naperville, Palatine, Lincolnshire, Lemont, Rosemont and Huntley. Mr. Werthmann is a registered Professional Engineer in the State of Illinois and is a certified Professional Traffic Operations Engineer. He carries Member status in the Institute of Transportation Engineers (ITE).

*Eric D. Russell, PTP*, Principal, will assist Mr. Werthmann as project engineer and will coordinate the subconsultant activities. Over the past 20 years, Mr. Russell has performed numerous traffic, transportation and parking planning studies throughout the Midwest, much like what is required of this assignment. He is currently managing a project to convert the Western

Avenue-Gregory Street couplet in downtown Blue Island, Illinois to two-way travel. He also recently managed the 60<sup>th</sup> Street corridor study for the University of Chicago that evaluated the conversion of an existing two-way street to one-way operation to increase on-street parking. Mr. Russell also recently completed the transportation element of the Tinley Park Downtown Legacy Plan and the Manhattan Village Center Plan. Mr. Russell recently prepared a Safe Walking Routes to School study for the Village of Oak Park that evaluated street characteristics, traffic controls, signs and pavement markings, and pedestrian safety issues for 10 sub-areas of the Village. He also provides consulting services to the Village of La Grange on numerous neighborhood traffic planning issues. Mr. Russell is a certified Professional Transportation Planner and carries Member status in ITE.

*Neil S. Kenig, P.E.*, President, has more than 40 years of experience in traffic engineering, thoroughfare planning, parking planning, and street access and highway improvement studies. Mr. Kenig oversees the firm's traffic and parking planning assignments for public- and private-sector clients. He has managed several central business district traffic studies, including projects in Evanston, Chicago and Bloomington, Illinois, Niles, Michigan, and Rochester, Minnesota. Mr. Kenig is a long-standing member of the Committee that oversees the periodic updates to the Manual on Uniform Traffic Control Devices (MUTCD) for the Federal Highway Administration and was a co-author of the Urban Land Institute's *Shared Parking* publication. Mr. Kenig was also an instructor for a Traffic Management and Land Development course at Northwestern University. Mr. Kenig is a registered professional engineer in Illinois and a past section president/district chairman of the Institute of Transportation Engineers. On this project, Mr. Kenig will serve as Quality Control/Quality Assurance (QC/QA) officer, responsible for reviewing reports and design plans to ensure completeness, technical accuracy and adherence to the appropriate guidelines and standards.

*Kelly K. Conolly, PE*, Consultant, will also serve as an assistant project engineer on this assignment. Ms. Conolly has more than 5 years of experience in traffic engineering and parking design. She is a registered Professional Engineer in the State of Illinois and is very knowledgeable in various traffic operations and intersection capacity analysis procedures, including HCS+T7F, SIGNAL2000, Synchro, and SimTraffic computer software. Ms. Conolly is an associate member of ITE.

*Gregory J. Gedemer, PE, PTOE*, Consultant, will serve as an assistant project engineer on this assignment. Mr. Gedemer has more than 7 years of experience in traffic engineering and traffic signal design. Mr. Gedemer is a registered Professional Engineer in the State of Illinois and is a certified Professional Traffic Operations Engineer. He has served as an engineer on numerous intersection design and traffic signal design projects and is well versed in Arcview, GIS and AutoCADD.

### **Walker Parking Consultants**

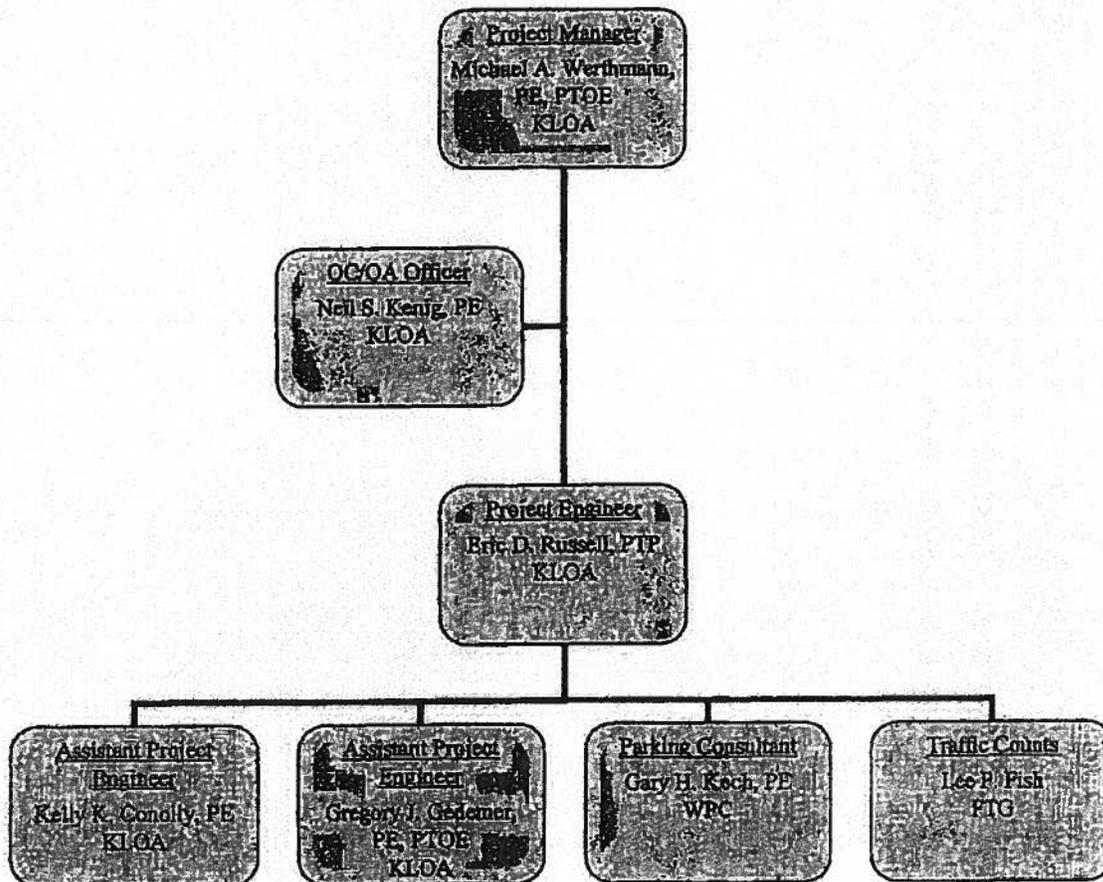
*Gary Koch, PE*, is the Managing Principal for the Elgin office. He will oversee the parking analysis, on-street parking alternatives, and parking concept plans on this project, as well as assuring quality control of the work produced by WPC staff. Mr. Koch will also attend project meetings as necessary.

## Fish Transportation Group, Inc.

*Lee Fish*, Principal, manages all traffic data collection activities for FTG, supervises all traffic counting personnel, coordinates project schedules, staffing needs, equipment needs, client reports, and budgets for traffic data collection projects. He has managed large scale projects, including IDOT SCAT projects, City of Chicago Areawide ADT counts, McHenry County countywide counts, citywide counts for Evanston, DuPage County travel time surveys, and village-wide counts in Homer Glen.

Resumes for these individuals are included in the Appendix to this proposal.

### Project Organizational Chart



## **5. Project Schedule and Cost Estimate**

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### **Schedule**

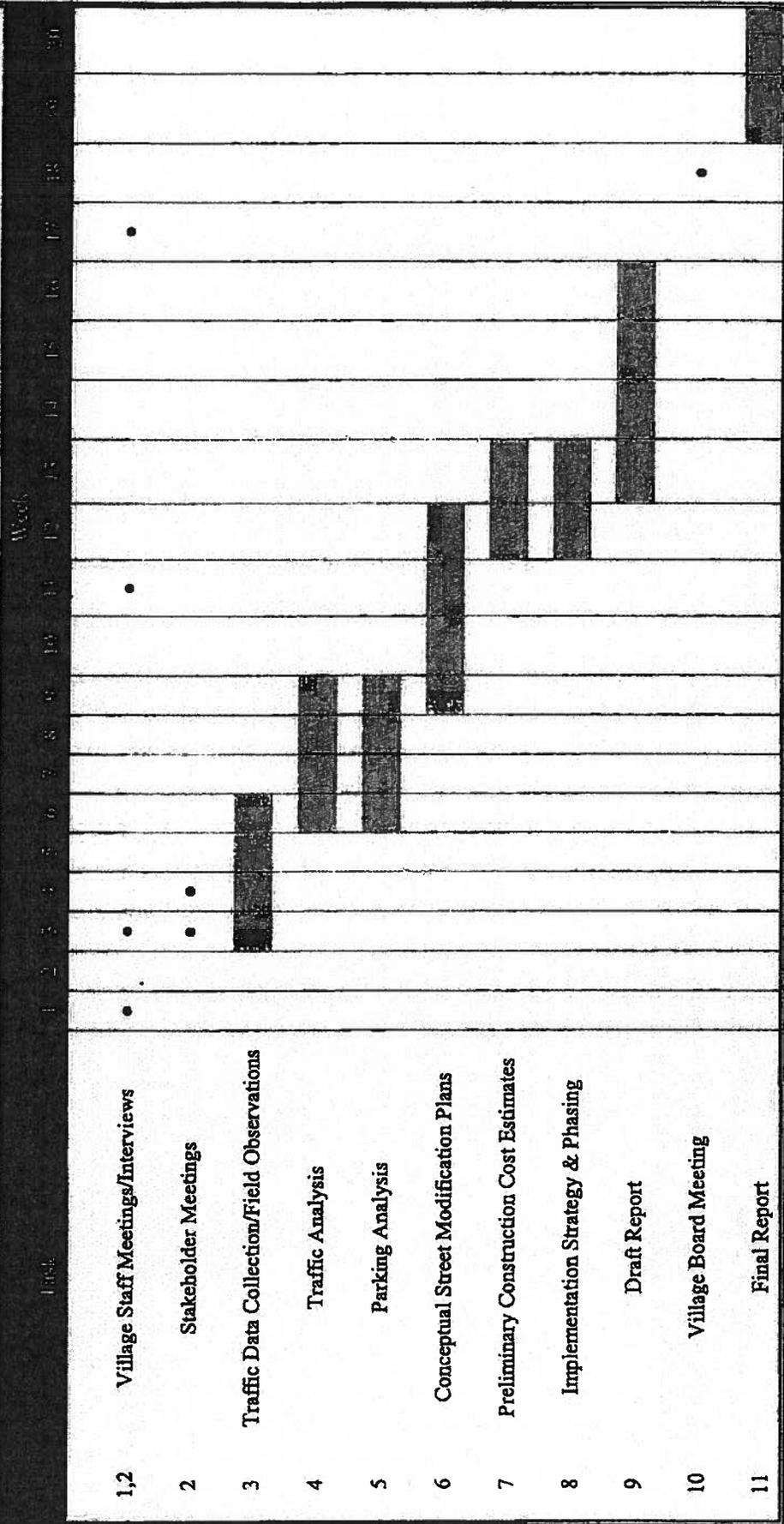
Figure 1 presents the proposed schedule for the project. We estimate that the project can be completed through the draft report stage within 5 months, assuming the requested data is readily available from the Village and the stakeholder meetings and interviews can be scheduled in an expeditious manner.

### **Cost Estimate**

The cost of services rendered under this work program will be based on our standard hourly billing rates plus reimbursement at cost for direct expenses such as non-staff traffic counting services, travel, postage/delivery, reproduction, etc. Our project cost for the services outlined in this work program will be \$39,640 (see Table 1). Meetings will be attended by the project manager and when necessary, the KLOA project engineer and subconsultant leaders. Staff time and direct expenses in connection with any additional meetings, beyond the seven (7) included in the work program, would be an additional cost to that estimated above and would require a budget amendment from the City.

Figure 1

PROJECT SCHEDULE

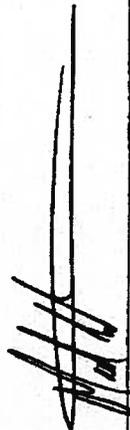


**Cost Reporting Form  
Glen Eilyn CBD Traffic Study**

Prime Firm Name Subsidiaries	Person Name/ Title	Estimated Hours										Total Hours (Tasks 1-8)	Rate/Hour	Total Estimated Cost	
		Tasks 1-2 & 10 Meetings/Interviews/ Agency Coordination	Task 3 Data Collection & Review	Task 4 Traffic Analysis	Task 5 Parking Analysis	Task 6-7 Conceptual Street Plans & Cost Estimates	Task 8 Implementation Strategy	Tasks 9 - 11 Draft/Final Report	Total Hours (Tasks 1-8)		Rate/Hour				Total Estimated Cost
KLOA, Inc. Walker Parking Consultants; Fish Transportation Group, Inc.	Michael Werthmann, Principal, KLOA	26	2	4	4	4	4	4	4	4	4	44	\$ 170.00	\$ 7,480.00	
	Eric Russell, Principal, KLOA	-	4	8	-	6	8	8	8	8	8	34	\$ 140.00	\$ 4,760.00	
	Neil Kanig, Principal, KLOA	10	-	-	-	4	-	-	2	2	2	6	\$ 170.00	\$ 1,020.00	
	Kelly Conolly, Consultant, KLOA	-	8	32	-	8	-	-	16	16	16	74	\$ 70.00	\$ 5,180.00	
	Greg Gedeiner, Consultant, KLOA	-	-	4	-	40	-	-	4	4	4	48	\$ 65.00	\$ 3,120.00	
	Gary Koch, WPC	10	2	-	2	4	2	2	4	4	4	24	\$ 220.00	\$ 5,280.00	
	Parking Analyst/Planner, WPC	-	8	-	24	16	2	2	-	-	-	50	\$ 135.00	\$ 6,750.00	
	Technician/Clerical, WPC	-	-	-	-	8	-	-	-	-	-	8	\$ 105.00	\$ 840.00	
	-	-	-	-	-	-	-	-	-	-	-	-	-	\$ -	\$ -
	-	-	-	-	-	-	-	-	-	-	-	-	-	\$ -	\$ -
<b>Total Hours</b>		46	24	48	28	80	16	38	288						
<b>Total Staff Costs per Task</b>	\$	7,320.00	\$ 2,980.00	\$ 4,300.00	\$ 3,680.00	\$ 9,240.00	\$ 2,510.00	\$ 4,400.00						\$ 34,430.00	
<b>Other Direct Costs (define below)</b>	\$	300.00	\$ 4,300.00	\$ 25.00	\$ 25.00	\$ 250.00	\$ -	\$ 310.00						\$ 5,210.00	
<b>Total Costs Per Task</b>	\$	7,620.00	\$ 7,280.00	\$ 4,325.00	\$ 3,705.00	\$ 9,490.00	\$ 2,510.00	\$ 4,710.00						\$ 39,640.00	

Direct costs include materials, printing, mailing costs, and travel expenses.

Travel (mileage/tolls/parking/meals)	300	100
Delivery (postage/messenger/express)	4200	250
Traffic Counting Services (FTG, KLOA)	25	250
Copying/Reproduction	60	250

Date: 8/3/2010 Signature of authorized representative: 

## 6. **Contract Provisions & Acceptance**

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### **Method of Payment**

Invoices for services rendered will be submitted every two weeks and will reflect charges incurred on the project during the previous period. Invoices will show staff time and expenses separately. Invoices are due and payable within 30 days of the invoice date. Payments due KLOA, Inc. (Contractor) are not contingent upon project approval or project financing and are the responsibility of the Village of Glen Ellyn. In the event that legal proceedings are instituted to collect delinquent payments due KLOA, Inc., the Village of Glen Ellyn will be responsible for court costs, expenses of collection, and reasonable attorney's fees. To the maximum extent permitted by law, the Village of Glen Ellyn agrees to limit KLOA's liability for the Village of Glen Ellyn's damages up to the sum of the total fee on this contract. This limitation should apply regardless of the cause of action or legal theory pled or asserted.

KLOA, Inc. is pleased to have this opportunity to offer our professional services to the Village of Glen Ellyn. If this proposal meets with your approval, please execute this document in the signature block below. This document will serve as a contract for the project and formal acceptance of the enclosed work proposal, schedule and fee.

Sincerely,

KENIG, LINDGREN, O'HARA, ABOONA, INC.

Michael A. Werthmann, PE, PTOE  
As its Principal  
and Contracting Officer

ACCEPTED AND APPROVED THIS

\_\_\_\_\_ DAY OF \_\_\_\_\_, 2010

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Typed Name)

Authorized to Execute Agreements for:  
\_\_\_\_\_