

## Chapter 6

### BUILDINGS AND BUILDING REGULATIONS\*

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#### ARTICLE 1. IN GENERAL

**Sec. 6-1.**           **Building code (except one- and two-family buildings) adopted.**

That certain document, three (3) copies of which are on file in the office of the Village Clerk being marked and designated as the 2006 International Building Code, as published by the International Code Council, Inc. be and is hereby adopted by reference as the Building Code of the Village and each and all of the regulations, provisions, conditions and terms of the 2006 International Building Code are hereby referred to, adopted and made a part hereof by reference, as if fully set out in this Code. (Ord. 97-10, Sec. 1, 5/15/97, Ord. 02-04, Sec. 1, 2-21-2002, Ord. No. 07-27, Sec. 1, 8-16-07)  
State law reference--Adoption of technical codes by reference, 65 ILCS 5/1-3-2 et seq.

**Sec. 6-2.**           **Terms in building code defined.**

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\* Cross references--Board of zoning appeals, Sec. 2-224 et seq.; flood damage prevention, Ch. 8 1/2; mobile homes and mobile home parks, Sec. 14-1 et seq.; standards for required improvements, Ch. 17 1/2; streets and sidewalks, Sec. 18-1 et seq.; subdivisions, Sec. 19-1 et seq.; water and sewers, Sec. 23-1 et seq.

State law reference--General authority of village relative to buildings and construction, 65 ILCS 5/11-30 through 39.1.

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Whenever the following words and phrases are used in the Building Code adopted by this Article, they shall have the meanings respectively ascribed to them by this Section:

*Building official* shall mean the Office of Building and Zoning.

*Municipality* shall mean the Village of Fox River Grove.

### **Sec. 6-3. Amendments to building code.**

International Building Code: Section 903.0 Fire Sprinklers

A. An approved fire sprinkler system shall be provided for:

1. All new buildings and structures.
2. All remodeling, reconstruction or alteration (as defined in this Section) of an existing building or structure of more than fifty (50%) percent of the aggregate net floor area of the entire building or structure.
  - a. Provided, however, that in situations where the change is being constructed in stages, the automatic sprinkler system shall be installed in no more than two (2) phases, with the first phase to be completed and fully serve the initial area being altered and the second phase to be fully completed with the alteration of any other portion of the building or structure. In addition, the area included in the second phase must be provided with approved fire detection at the time the first phase of the automatic sprinkler system is installed.
3. Any change of any portion of an existing building or structure to an assembly occupancy type.

B. Exception: Detached structures, which comply with all of the following, do not require automatic fire sprinklers:

1. Less than five hundred (500) square feet in area.
2. Single story.
3. Not used as a dwelling or sleeping.
4. Not an High Hazard Group.
5. Not used for high hazard products or hazardous materials.
6. No basements.
7. Minimum separation to other buildings twenty (20) feet.

(Ord. No. 11-18, Sec. 1, 6-16-11)

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4. Conditions/scenarios requiring the installation of fire detection and suppression in addition, alteration or remodel projects for existing non-residential (commercial and industrial) buildings. It does not apply to 1-2 story single family homes and duplexes nor 1-3 story apartments, townhomes and condominiums.
  - A. Repairs and work on undamaged components that are necessary for the required repair of damaged components, shall be considered part of the repair, and shall not be subject to additional fire detection or suppression requirements. Example: Door or window replacement.
  1. **Alteration Level 1** – Level 1 Alterations shall maintain the level of fire protection as required under the original construction. It has been the opinion of the ICC Code making panel(s) that modern construction materials, with the standard manufacture4d enhancements, provide adequate protection to meet or exceed the fire resistance qualities of the original construction materials. Example: A localized remodel of a space, or replacement of components (luminaries, plumbing fixtures, HVAC units, addition or replacement of cubicles, etc.). The use and configuration (size of space/structural elements) where the space and the life/safety hazard level is unchanged as a result of the work.
  2. **Alteration Level 2** – In Level 2 Alterations automatic fire detection and suppression shall be provided within the work area in accordance with the requirements for new construction of the International Building Code and the International Fire Code, both as currently adopted and amended by the Village of Fox River Grove, plus the following requirements:

### Mixed Use Buildings

- A. Subject to the actual Use Group Classifications, in mixed use occupancies, those areas not included in the work area, but which share a common structural element (floor, wall, etcetera) and are not required by their use group to be provided with automatic fire suppression, will be required to be provided with fire resistant rated construction separating these occupancies from the work area(s).
- B. Work areas located in windowless stories shall be provided with automatic fire suppression. This is a requirement for new construction under Section 903.2.10 of the current building code.

### Use Groups R-1, R-3, R-4, I-1

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- A. Individual sleeping units and individual dwelling units in any work area in Group R-1, R-3, R-4, and I-1 shall be provided with smoke alarms in accordance with the International Fire Code. Interconnection of smoke alarms outside the rehabilitation work areas shall not be required. While it is unlikely that any existing facilities predate the current requirements for smoke/fire detection/alarming, it will help assure that facility classification changes created by a change of use will be kept current.
1. Work areas located in windowless stories shall be provided with automatic fire suppression. This is a requirement under Section 903.2.10 of the current building code.
  2. Fire detection and suppression systems required under Level 2 Alterations shall be supervised by either a NFPA 72 approved central station system, or a NFPA 72 approved proprietary system, or a NFPA 72 approved remote station system of the jurisdiction. This requirement becomes applicable where, for example, rooms are reconfigured or mechanical and/or electrical systems are either upgraded or replaced.

### Alteration Level 2 Examples:

- A) Use Group B – A travel agency moves into a vacant unit in an existing building formerly used by an insurance agency. Less than 50% of the area of the unit is being altered (not replaced). Walls/partitions are scheduled to be demolished, mechanical, electrical, and/or plumbing systems are extended, upgraded, or significantly altered to accommodate the needs of new tenant.
- B) Use Group A 2– A restaurant is moving into an existing building which was formerly a restaurant. Again, less than 50% of the existing area is being altered, but walls/partitions are scheduled to be demolished, plumbing, mechanical and/or electrical systems are scheduled to be extended, upgraded, or significantly altered to accommodate the needs of the tenant.
- C) Use Group M – A gift shop moves into a unit formerly used as a convenience store. Less than 50% of the area of the unit is being altered (not replaced). Walls/partitions are scheduled to be demolished, mechanical, electrical, and/or plumbing systems are extended, upgraded, or significantly altered to accommodate the needs of new tenant.

Notice in these examples, the work area was limited to less than 50% of the total building/unit area, and the use group did not change from the previous tenant.

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3. **Alteration Level 3** – Automatic fire suppression systems shall be provided in all remodeled work areas as outlined under Level 2 Alterations and as listed herein.

### High Rise Buildings

- A) New construction High-Rise Buildings are required to be fully sprinklered under the current Codes. At this time, there are no existing structures meeting the code definition of high-rise in the Village. However, in the event an addition was to be made to an existing structure, such an addition could create a high-rise structure as defined in the Codes.
- B) Where a high-rise building is created from an existing structure, the entire building, including the existing floors shall be provided with automatic fire suppression and detection. Fire detection systems shall be as required under new construction codes and ordinances.

### All other non-residential buildings

- A) Fire alarm, detection, and suppression systems shall be provided THROUGHOUT the building as required by the codes and ordinances. Level 3 work areas involve exposing so much of the existing facility beyond incidental exposure which occurs at Level 1 and Level 2; it becomes similar to new construction, and so must comply with standards for new construction.

## 4. **Use Groups E and I-4**

- A) Where existing facilities are expanded creating an aggregate area of seven-thousand-two-hundred (7,200) square feet or greater, the entire area of expansion shall be provided with an automatic fire suppression system.
- B) A one-hour (1-hr) fire resistance rated assembly shall be provided to separate the new area from the existing area and the entire facility shall be equipped with an automatic smoke detection system.

The requirements for Groups E and I-4 are based on proven State of Illinois requirements established for public Pre-K through 12 schools. Where public pre-K through 12 schools are under the jurisdiction of the Illinois State Board of Education, private education institutions including parochial, pre-K through 12 come under the jurisdiction of the local municipality. Colleges, universities, community colleges, etcetera, also come under the jurisdiction of local municipalities as Use Group B. (Ord. 12-12, Sec. 1, 4-19-12)

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Create: “903.6 Safety Factor”

A ten (10%) percent or five (5) PSI safety factor, whichever is greater, shall be provided in the fire protection system hydraulic calculations. The system demand shall be at least five (5) PSI below the seasonal low water flow test supply.

### 903.7 Definitions

**Aggregate Area** – The work area as measured by the footprint of the entire building including the surrounding exterior walls, or exterior walls and demising or unit sub-dividing walls.

**Aggregate net floor area:** The total of the area contained within the exterior walls of a building or structure on all stories, including portions of stories below grade that are occupied for purposes other than storage or mechanical equipment. For dwellings, areas normally exempt from fire sprinkler requirements shall not be included.

**Aggregate area of alteration:** For the purposes of determining the area affected by alteration, the Building and Zoning Department shall consider the entire building. Included are the floor area of all rooms and areas which are reduced or enlarged by such work, the floor area of all rooms and areas whose electrical, plumbing or mechanical systems or infrastructure are altered, and the floor area of all rooms whose egress capacity or travel distance is adversely affected. Floor areas shall include all interior walls, columns, hallways, partitions and stairways. Exterior walls shall not be included.

**Alteration:** Alteration shall include, but not be limited to, alteration of floors, walls, partitions, ceilings, electrical, plumbing or mechanical systems. Non-load bearing walls and partitions, as well as alterations to decorative coverings of floors, walls, partitions and ceilings shall not be included, nor shall the alteration or replacement of electrical or plumbing fixtures and trims be included, so long as the underlying piping, electrical raceways, etc., are not altered. Exterior façade alternations shall not be included, unless egress capacity is reduced.

**Alteration Level 1** – The work area of a Level 1 Alteration is less than 50% of the aggregate building area and removal and replacement or the covering of existing materials, elements, equipment, using new materials that serve the same purpose.

**Alteration Level 2** – The work area of a Level 2 Alteration is less than 50% of the aggregate building area but includes the reconfiguration of space, the addition or elimination of any door or window (only as affecting egress), the reconfiguration or extension of any system (e.g. plumbing, HVAC, electrical), or the installation of any additional equipment (e.g. new RTU, new production machine).

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**Alteration Level 3** – Work area(s) exceeding 50% of the aggregate area of the building, or a change of Use Group.

**High Rise** – Buildings which have an occupied floor located seventy-five (75) feet above the lowest level of fire department vehicle access. (Reference IBC Section 403)

**Mixed-Use** – Buildings in which two (2) or more separate, but not incidental (i.e. incidental use being located within a space such as A or M Group, but is not the primary use of the building) occupancy groups or uses exist. Example: A 3 tenant strip center has a grocery (Use Group M), an insurance office (Use Group B), and a restaurant (Use Group A). Examples of incidental use include: Storage rooms over 100 square feet, parking garage, refrigerant machinery rooms, or furnace rooms where any piece of equipment is over 400,000 BTU per hour input. (Reference IBC Section 508)

**Repairs** – Includes the patching, restoration, or replacement of damaged materials, elements, equipment, or fixtures for the purpose of maintaining such components in good or sound condition with respect to existing loads or performance requirements.

**Remodeled** - Remodeled shall include, but not be limited to reconstruction, upgrade, renovation, improvement, or alteration to existing buildings which require a plan review and/or a building permit application.

**Use Group B** – Group B includes most business uses such as animal hospitals, kennels, barber and beauty shops, car wash, outpatient clinic, dry cleaning (pick-up, delivery service, and self-service only), educational occupancies above 12<sup>th</sup> grade, motor vehicle showrooms, print shops, professional services (architect, engineer, attorney, dentist, physician, etc.), or training and skill development not within a school or academic program.

**Use Group E** – Group E includes generally: educational uses through 12<sup>th</sup> grade.

**Use Group F-1** – Group F-1 includes moderate hazard factory/industrial uses such as automobile and other motor vehicles (manufacturing/customizing), Laundries, food processing, dry cleaning and dyeing (physical plant using chemicals), and etcetera.

**Use Group I-1** – Includes generally: Institutional facilities housing more than 16 persons on a 24-hour basis such as Assisted living, Halfway houses, Group Homes, Congregate care facilities, Social rehabilitation facilities, Alcohol and drug centers, or Convalescent facilities.

**Use Group I-4** – Group I-4 are institutional uses for children's day care.

**Use Group M** – Group M includes mercantile businesses such as department stores, drug stores,

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markets, motor fuel dispensing facilities, retail or wholesale stores.

**Use Group R-1** – Includes generally: Boarding Houses, Hotels, and Motels

**Use Group R-3** – Includes generally: buildings providing congregate living facilities for 16 or fewer persons (excluding staff), or adult care facilities for five or fewer persons of any age for less than 24 hours.

**Use Group R-4** – Includes generally: Residential care/assisted living facilities for more than five, but less than sixteen occupants (excluding staff).

**Work Area** – That portion or portions of a building consisting of all reconfigured spaces as indicated in the construction documents. Work area excludes other portions of the building where incidental work entailed by the intended work must be performed and portions of the building not initially intended by the Owner is specifically required by the Codes. For the purposes of determining the area affected by alteration, addition, or repair, the Building and Zoning Department shall consider the entire building. (Ord. 02-04, Sec. 2, 2-21-2002 deleting this section; amended by Ord. No. 11-1, Sec. 1, 1-20-11; Ord. 12-12, Sec. 1, 4-19-12)

### **Sec. 6-4. Construction of discretionary power granted to building inspector by building code.**

Wherever the language of the Building Code adopted by this Article purports to grant the Office of Building and Zoning or other official any discretionary authority, his power shall be limited to determining factually whether or not the conditions required by the Building Code have been complied with. (Ord. of 3-13-72, Sec. A)

### **Sec. 6-5. Variations from application of building code.**

The Board of Zoning Appeals of the Village is hereby designated as the body to hear variations from the applicable provisions of the Building Code adopted by this Article. The Board of Appeals shall submit its recommendations in writing to the Village Board of Trustees for final action. (Ord. of 3-13-72, Sec. A)

Cross reference--Board of zoning appeals generally, Sec 2-224 et seq.

### **Sec. 6-6. Fire limits established.**

The fire limits of the Village are hereby established as all property zoned within the business district and manufacturing district in accordance with the terms and map of the Zoning Ordinance and amendments thereto of the Village and all business and manufacturing buildings located in the residential districts and in which a business is now carried on under the Zoning Ordinance as a nonconforming use. (Code 1958, Sec. 19.701)

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### **Sec. 6-7. Stop orders.**

The Office of Building and Zoning or such other person as may be authorized by the Village President and Board of Trustees, may order work stopped whenever any construction, alteration or repair work is being done in violation of any provision of this Chapter or the Village Zoning Ordinance. Such stop order, when oral, shall be followed by a written stop order within twenty-four (24) hours. It shall be unlawful to continue work in violation of a stop order until such order has been revoked by the person issuing it or by the Village President and Board of Trustees. (Code 1958, Sec. 4.503, 19.114)

### **Sec. 6-8. House numbering.**

- (a) *Required.* All lots, buildings and structures in the Village shall be numbered in accordance with the house numbering chart approved by the Village Board of Trustees.
- (b) *Chart.* The Village Clerk shall keep a chart showing the proper street number of every lot in the Village which shall be open to inspection by any interested person.
- (c) *Duties of property owners.* It shall be the duty of the owners and occupants of every house in the Village to have placed thereon, in a place visible from the street, figures at least two and one-half (2-1/2) inches high, showing the number of the house, and any person, firm or corporation failing to so number any house, building or other structure occupied by him, or if after receiving notice to do so from the Village Clerk shall continue in his failure to so number such house, building or structure, shall be fined five (\$5.00) dollars for each day during or on which a failure to so number continues. (Code 1958, Sec. 8.301-8.303; Ord. 07-10, Sec. 4, 4-19-07)

Cross reference--For settlement and compromise of violations of subsection (c) of this section, see Sec. 13-96 et seq.

### **Sec. 6-9. Minimum floor area and garage requirements for single family houses.**

The following minimum floor area shall be required for single family houses: measured at main or first floor and not including open porches, breezeway, garage or carports:

- (1) One story with basement - 1300 square feet; One story without basement - 1350 square feet;
- (2) One and one half story with basement - 1000 square feet; One and one half story without basement - 1075 square feet;
- (3) Two story with or without basement - 850 square feet.

All single family houses constructed within the Village limits for which a building permit is first

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issued on or after April 1, 1988 shall have an attached two-car garage. All single family houses for which a building permit was issued prior to April 1, 1988 may have a detached garage provided that any such detached garage for which a building permit is issued on or after April 1, 1988 shall be a two-car garage. (Ord. 88-06, 3-16-88)

### **Sec. 6-10. Issuance of certificate of occupancy.**

- (a) Prior to the issuance of a certificate of occupancy, pursuant to the Ordinances of the Village of Fox River Grove, the owner of the property seeking the issuance of a certificate of occupancy shall apply for and receive an unexecuted certificate of occupancy from the Village and shall file said unexecuted certificate of occupancy with the assessor of McHenry County if said property is located in McHenry County or with the assessor of Lake County if said property is located in Lake County.
- (b) Upon filing of the unexecuted certificate of occupancy, the county assessor or supervisor of assessments of McHenry or Lake County, as the case may be, shall present the owner with a receipt therefor showing the filing date of the unexecuted certificate of occupancy and that the property is subject to increased assessment from the date of issuance of the certificate of occupancy as provided by law.
- (c) The owner of said property shall file the receipt from the county assessor or the supervisor of assessments of McHenry or Lake County, as the case may be, with the Village of Fox River Grove and the Village shall issue a certificate of occupancy to the owner, in accordance with the ordinances of the Village.
- (d) Immediately upon the issuance of a certificate of occupancy by the Village of Fox River Grove, the Village Administrator, or his designed, shall file a certified copy of said certificate with the county assessor or supervisor of assessments of McHenry or Lake County, as the case may be, as provided by law. (Ord. No. 74-1, Sec. 4, 3-13-74; Ord. No. 94-10, Sec. 3, 3-17-94)

Editor's note--Ord. No. 74-1, Sec. 1--4, did not amend this Code, hence inclusion herein as Sec. 6-10 was at the discretion of the editors.

### **Sec. 6-11. Building code for one- and two-family buildings adopted.**

That certain document, three (3) copies of which are on file, in the office of the Village Clerk, being marked and designated as the 2006 International Residential Code, as published by the International Code Council, Inc. with the exception of Sections R105.2 #1, R105.2 #2 and Part VII thereof, be and is hereby adopted by reference as the building code of the Village for the control of all one- and two-family buildings; and each and all of the regulations, provisions, conditions and terms of the 2006 International Residential Code are hereby referred to, adopted and made a part hereof by reference, as if fully set out in this Code. (Ord. No. 97-10, Sec. 2, 5-15-97; Ord. No. 02-04, Sec. 3,

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2-21-02; Ord. No. 07-27, Sec. 2, 8-16-07)

### 903.3.1 Fire Sprinklers

An approved automatic fire sprinkler system shall be installed in new townhouses (1-3 story townhomes, condominiums and apartments) in accordance with Section 903.3.1 of the International Building Code. (Ord. No. 11-18, Sec. 2, 6-16-11)

### **Sec. 6-12. Fire Prevention Code adopted.**

That certain document, three (3) copies of which are on file in the office of the Village Clerk, being marked and designated as the 2006 International Fire Code, as published by the International Code Council, Inc. be and is hereby adopted by reference as the Fire Prevention Code of the Village; and each and all of the regulations, provisions, conditions and terms of said code are hereby referred to, adopted and made a part hereof by reference, as if fully set out in this Code.

International Fire Code: Section 903.3.1 Fire Sprinklers

### 903.3.1 Fire Sprinklers

An approved automatic fire sprinkler system shall be installed in new townhouses (1-3 story townhomes, condominiums and apartments) in accordance with Section 903.3.1 of the International Building Code.

A. An approved fire sprinkler system shall be provided for:

1. All new buildings and structures.
2. All remodeling, reconstruction or alteration (as defined in this Section) of an existing building or structure of more than fifty (50%) percent of the aggregate net floor area of the entire building or structure.
  - a. Provided, however, that in situations where the change is being constructed in stages, the automatic sprinkler system shall be installed in no more than two (2) phases, with the first phase to be completed and fully serve the initial area being altered and the second phase to be fully completed with the alteration of any other portion of the building or structure. In addition, the area included in the second phase must be provided with approved fire detection at the time the first phase of the automatic sprinkler system is installed. (Ord. No. 11-18, Sec. 3, 6-16-11)
3. Any change of any portion of an existing building or structure to an assembly occupancy type.

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B. Exception: Detached structures, which comply with all of the following, do not require automatic fire sprinklers:

1. Less than five hundred (500) square feet in area.
2. Single story.
3. Not used as a dwelling or sleeping.
4. Not an High Hazard Group.
5. Not used for high hazard products or hazardous materials.
6. No basements.
7. Minimum separation to other buildings twenty (20) feet.

Create: "903.6 Safety Factor"

A ten (10%) percent or five (5) PSI safety factor, whichever is greater, shall be provided in the fire protection system hydraulic calculations. The system demand shall be at least five (5) PSI below the seasonal low water flow test supply.

### 903.7 Definitions

**Alteration:** Alteration shall include, but not be limited to, alteration of floors, walls, partitions, ceilings, electrical, plumbing or mechanical systems. Non-load bearing walls and partitions, as well as alterations to decorative coverings of floors, walls, partitions and ceilings shall not be included, nor shall the alteration or replacement of electrical or plumbing fixtures and trims be included, so long as the underlying piping, electrical raceways, etc., are not altered. Exterior façade alternations shall not be included, unless egress capacity is reduced.

**Aggregate net floor area:** The total of the area contained within the exterior walls of a building or structure on all stories, including portions of stories below grade that are occupied for purposes other than storage or mechanical equipment. For dwellings, areas normally exempt from fire sprinkler requirements shall not be included.

**Aggregate area of alteration:** For the purposes of determining the area affected by alteration, the Building and Zoning Department shall consider the entire building. Included are the floor area of all rooms and areas which are reduced or enlarged by such work, the floor area of all rooms and areas whose electrical, plumbing or mechanical systems or infrastructure are altered, and the floor area of all rooms whose egress capacity or travel distance is adversely affected. Floor areas shall include all interior walls, columns, hallways, partitions and stairways. Exterior walls shall not be included. (Ord. No. 97-10, Sec. 3, 5-15-97, Ord. No. 02-04, Sec. 4, 2-21-02; Ord. 07-27, Sec. 3, 8-16-07; Ord. 11-1, Sec. 2, 1-20-11)

Cross reference--Fire prevention and protection, Ch. 8.

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### **Sec. 6-13. Dangerous excavations.**

- (a) It shall be unlawful for the owner of any real property located within the Village of Fox River Grove to maintain or permit the existence upon such property of any excavation, pit, hole, ditch or other man-made depression in the earth, which endangers the public health, welfare and safety.
- (b) Upon a determination that there exists a violation of this Section 6-13, the Village shall notify the owner of the property upon which such violation exists in writing. Upon receipt of such notice of violation, the property owner shall within ten (10) days eliminate any violation of this Section 6-13 existing upon his property.
- (c) Any residential violation of any provision of this Section 6-13 shall be fined not more than one hundred (\$100.00) dollars for each offense, and a separate offense shall be deemed committed on each day a violation continues. Any commercial, industrial, or multi-family violation of any provision of this Section 6-13 shall be fined not more than five hundred (\$500.00) dollars for each offense, and a separate offense shall be deemed committed on each day a violation continues. (Ord. No. 80-18, Sec. 1, 7-24-80; Ord. No. 12-08, Sec. 1, 3-15-12)

Editor's note--Ord. No. 80-18, Sec. 1, amended Ch. 6 by adding provisions designated as Sec. 6-11 which provisions the editors redesignated Sec. 6-13 inasmuch as the Code already contained a Sec. 6-11.

### **Sec. 6-14. Key box required.**

The owner and manager of any business, other than a business that is a home occupation as defined in the Village of Fox River Grove Zoning Ordinance, which occupies a building or structure or a portion of a building or structure for the first time on or after January 1, 1996, and the owner and manager of a building or structure, other than a single family residence, or a portion of such a building or structure which contains fire detection or suppression equipment that is monitored by or on behalf of the Fox River Grove Fire Protection District shall install and maintain a key box on the exterior of the building or structure. The key box shall contain keys or other devices that will open or operate any of the following if located in the building or structure:

- (1) all locked exterior doors;
- (2) all locked interior passageway doors;
- (3) doors to all rooms or other areas where flammable or hazardous materials are stored or used;
- (4) doors to all rooms or other areas where there is electrical or mechanical equipment;
- (5) doors to all storage rooms or storage areas which have an area of more than sixty square feet;

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- (6) all elevator controls;
- (7) all alarm panels;
- (8) all controls for fire detection and suppression equipment.

The key box shall be made out of a metallic material and shall contain a lock which can be opened with a key or other device. The owner or manager shall at or prior to the time the key box is installed notify the Fox River Grove Fire Protection District in writing where the key box is located and shall furnish to the Fox River Grove Fire Protection District a key or other device which will permit the key box to be opened by the Fox River Grove Fire Protection District in the event there is a fire or other emergency within the building or structure. (Ord. No. 96-06, Sec. 1, 1-18-96)

### **Sec. 6-15. Required school contributions and park land dedications.**

As a condition of the issuance of a building permit for the construction of a residential structure on an unimproved lot, each developer or owner of the unimproved lot shall be required to make a contribution to each of the school districts within which the unimproved lot is located and a contribution for park and recreational areas as provided in Article V of Chapter 19 of this Code unless such contributions have previously been made with respect to the lot. (Ord. No. 94-16, Sec. 1, 4-21-94)

### **Sec. 6-16. Public sidewalks required for new buildings.**

- (a) Definitions: For the purposes of this Section, the following words, terms and phrases, when used herein, shall have the meaning ascribed to them in this Subsection, except where the context clearly indicates a different meaning:

*“Building”* means any structure designed or built for the support, enclosure, shelter or protection of persons, animals or property of any kind, and which is affixed or anchored to the land. Buildings for purposes of this Section 6-16 include, but are not limited to, single family houses, multi-family residential buildings and commercial buildings; provided however that for purposes of this Section 6-16, accessory buildings which serve principal buildings, including but not limited to small garden houses, storage sheds, residential garages, carports, gazebos and animal shelters, i.e., “dog houses” are not considered buildings.

*“Diameter at breast height” or “DHB”* means a measurement of the diameter of a tree four and one half (4.5) feet above grade.

*“High quality, mature tree”* means a tree having a diameter at breast height or “DBH” of twelve (12) inches or more which is not of a type listed in Table 1 of Section 19-132(d) of

## BUILDINGS AND BUILDING REGULATIONS

this Code.

- (b) Public sidewalks required.
  - (1) Prior to the issuance of an occupancy permit for a building, there must be a sidewalk installed on that portion of the right-of-way contiguous to the lot or parcel on which the building is located. If there is not already a sidewalk installed on that portion of the right-of-way contiguous to the lot or parcel on which the building is located, then the owner of the lot or parcel on which the new building is located shall either install the sidewalk after obtaining all required permits or enter into an agreement with the Village which provides for the owner to deposit with the Village funds in an amount not less than one hundred ten percent (110%) of the estimated cost of installing the required sidewalk as determined by the Village's engineer. Such agreement must provide that the funds will be held in escrow and if the sidewalk is not installed by a date to be specified in the agreement which shall be not more than one hundred eighty (180) days from the date of the agreement, the Village shall have the right to use the escrowed funds to pay the cost of installing the required sidewalk.
  - (2) Any sidewalk required to be installed pursuant to this Section 6-16 shall comply with the provisions contained in Section 17 ½-36 of this Code, except that where the Superintendent of Streets and Parks determines that it is not feasible to install a sidewalk with a width of four (4) feet in a residential area, then the Superintendent of Streets and Parks may authorize a sidewalk to be installed which has a width of not less than three (3) feet and where the Superintendent of Streets and Parks determines that it is not feasible to install a sidewalk with a width of six (6) feet in a business area, then the Superintendent of Streets and Parks may authorize a sidewalk to be installed which has a width of not less than four (4) feet.
  - (3) The location in the public right-of-way of any sidewalk required to be installed by this Section 6-16 shall be determined by the Village's Superintendent of Streets and Parks.
- (c) Exceptions. Sidewalks shall not be required to be installed under this Section 6-16 when any one or more of the following circumstances exist:
  - (1) Where a high quality, mature tree, as defined in Section 6-16(a) is present in the portion of the right-of-way adjacent to the lot or parcel on which the new building is located and a sidewalk cannot be installed within the existing right-of-way unless the high quality, mature tree is removed.
  - (2) Where drainage ditches are present within the right-of-way adjacent to the lot or parcel on which the new building is located and a sidewalk cannot be installed unless

## BUILDINGS AND BUILDING REGULATIONS

new or additional storm water drainage facilities are also installed because the installation of a new sidewalk will materially interfere with the ability of the existing drainage ditch to convey storm water.

- (3) Where the grade within the right-of-way adjacent to the lot or parcel on which the new building is greater than nine (9%) percent.
- (4) Where the lot or parcel on which the new building is located is within a subdivision which has been developed with sidewalks on one side of the street and the lot or parcel on which the new building is located is on the side of the street where there is no sidewalk, or where the lot or parcel on which the new building is located is on a block where there is already a sidewalk on the opposite side of the street which runs the length of the entire block and there are no sidewalks in front of any of the lots or parcels located in the same block on the same side of the street as the new building.
- (5) Where there is insufficient space available in the public right-of-way adjacent to the lot on which the new building is located to install a sidewalk, which is not less than four (4) feet in width in a business area or three (3) feet in width in a residential area.
- (6) Where there is a public sidewalk located in an easement that runs the length of the frontage of the lot or parcel on which the new building is located. (Ord. No. 06-39, Sec. 1, 8-17-06)

**Secs. 6-17--6-18. Reserved.**

### ARTICLE II. BUILDING AND ZONING OFFICE\*

**Sec. 6-19. Office created.**

There is hereby created the Office of Building and Zoning. (Ord. No. 81-20, Sec. 1, 8-19-81; Ord. No. 13-27, Sec. 1, 10-3-13)

**Sec. 6-20. General duties.**

It shall be the duty of the Office of Building and Zoning to see to the enforcement of all provisions of

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\* Editor's note-Ord. No. 81-20, Sec. 1, adopted Aug. 19, 1981, amended Art. II to read as herein set out. Prior to amendment Art. II pertained to the building inspector and was derived from Code 1958, Secs. 4.501, 4.502, 4.604. Section 2 of said Ord. No. 81-20 provided that wherever the term "building inspector" is used in this Code, such term should be changed to "superintendent of building and zoning." Such change with be made pages of this Code are necessarily pulled for reprinting.

## BUILDINGS AND BUILDING REGULATIONS

this Code and other ordinances relating to building, electricity, plumbing, zoning and any other adopted building code and to inspect buildings or structures being erected or altered as frequently as may be necessary to ensure compliance with the Village Ordinances.

The Office of Building and Zoning works under the general direction of the Village Administrator. (Ord. No. 97-10, Sec. 5, 5-15-97, Ord. No. 02-04, Sec. 5, 2-21-02; Ord. No. 13-27, Sec. 1, 10-3-13)

### **Sec. 6-21. Right of entry.**

The Village shall have the power to make or cause to be made an entry into any building or premises, at any reasonable hour where the work of altering, repairing or constructing any building or structure is going on, for the purpose of making inspections, provided that the Office of Building and Zoning shall not enter upon any building or premises without the permission of an owner or occupant of the building or premises unless he has first obtained a search warrant or other proper legal authorization. (Ord. No. 81-20, Sec. 1, 8-19-81; Ord. No. 13-27, Sec. 1, 10-3-13)

### **Secs. 6-22--6-31. Reserved.**

## **ARTICLE III. PERMITS AND INSPECTIONS\***

### **Sec. 6-32. When permit is required.**

- (a) It shall be unlawful to construct, reconstruct, alter, enlarge or remodel any building or structure in the Village without having first secured a permit therefore, except as allowed by the adopted Building Code. (Ord. No.10-04, Sec. 1, 1-28-10)
- (b) Any residential violation of this Section shall be fined not less than fifty (\$50.00) dollars plus twenty-five (25%) percent on building permit fees. Any commercial, industrial or multi-family violation of this Section shall be fined not less than two-hundred fifty (\$250.00) dollars for each offense plus twenty-five (25%) percent on building permit fees. Each day that a violation is permitted to exist shall constitute a separate offense. A judgment of a fine imposed upon an offender may be enforced in the same manner as a judgment entered in a civil action. (Code 1958, Sec. 19.101; Ord. of 9-13-71, Sec. 1, Ord. No. 07-10, Sec. 5, 4-19-07, Ord. No. 12-08, Sec. 2, 3-15-12)

Cross reference--For settlement and compromise of violations of this section, see Sec. 13-96 et seq.

### **Sec. 6-33. Application for permit; accompanying documents.**

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\* Cross references--Permits generally, Sec. 12-1 et seq.; building permits not to issue prior to filing subdivision plat, Sec. 19-11.

## BUILDINGS AND BUILDING REGULATIONS

Application for a permit required by this Article shall be made to the Village Clerk and referred to the Office of Building and Zoning and shall be accompanied by plans and specifications in triplicate showing the work to be done and a plat of the site showing the location of the proposed structure. The plans shall be verified by the signature, either of the owner of the premises or by the architect or contractor in charge of operations. (Code 1958, Sec. 19.106)

### **Sec. 6-34. Issuance of permit.**

- (a) The application for a permit required by this Article, together with the required plan, shall be referred to the Office of Building and Zoning who shall examine the same to determine whether the proposed construction or alterations will comply with the Building Code adopted by this Chapter. Upon approval, one set of plans shall be returned by the Office of Building and Zoning. No permit shall be issued except after approval of the plans and the payment of the required fees.
- (b) Prior to the issuance of a building permit, the Office of Building and Zoning shall inquire and determine whether the construction work covered by the building permit will require the issuance of a special permit as provided for in Section 15-284 of this Code. If the Office of Building and Zoning determines that the construction or other work to be performed pursuant to the permit shall require a special permit as provided for under Section 15-284, the Office of Building and Zoning shall not issue the permit unless the requirements for the issuance of the special permit provided for under Section 15-284, including the payment of any fees provided for under Section 15-284(g). (Ord. No. 94-19, Sec. 1, 6-16-94)

### **Sec. 6-35. Appeals from denial of permit; noncompliance with building code after issuance of permit.**

- (a) In the event the Office of Building and Zoning denies a permit because the methods or materials do not comply with the minimum standards prescribed in the Building Code adopted by this Chapter, or because methods or materials are not equivalent to those so prescribed, the applicant may appeal such decision to the Village President and Board of Trustees.
- (b) If a permit is granted for the use of materials or methods not prescribed in the Building Code adopted by this Chapter, the Board of Trustees, on its own motion, or on a petition of any citizen, may examine and review the tests upon which the decision to issue the permit was made, and if it finds that it is not established that such methods or materials are equivalent to those prescribed in the building code, it shall order the building permit revoked. (Code 1958, Sec. 19.102)

### **Sec. 6-36. Time limitation for completion of buildings.**

## BUILDINGS AND BUILDING REGULATIONS

- (a) Any building permit issued for the construction of any residential building, accessory building or addition to a residential building shall expire and become invalid if the construction of the building or addition which is authorized by the permit is not commenced within ninety (90) days after the date on which the permit was issued.
- (b) Any building permit issued for the construction of any residential building, accessory building or addition to a residential building shall expire and become invalid if the building or the addition which is authorized by the permit is not ready for an inspection of its rough framing, its plumbing system, its electrical system and its heating system and is not completely closed in with windows, exterior doors and roof covering within one hundred and eighty (180) days from the date on which the permit was issued.
- (c) Any building permit issued for the construction of any residential building, accessory building or addition to a residential building shall expire and become invalid if the building or addition which is authorized to be constructed by the permit has not had and passed a final inspection and received a certificate of occupancy within one (1) year from the date on which the building permit was issued.
- (d) Except as provided in Subsections (a), (b) and (e) of this Section, any building permit issued for the construction of any building, accessory building or addition to a building shall expire and become invalid if the construction of the building or addition which is authorized by the permit is not completed within two (2) years from the date on which the permit was issued.
- (e) If a building permit has expired under the terms of Subsections, (a) through (d) of this Section, then no further construction on the building or addition which is covered by the expired permit shall be allowed until a new application for a building permit has been submitted and approved and until all fees have been paid in connection with the new application, except for water and sewer tap in fees. (Code 1958, Sec. 19.110; Ord. No. 80-27, Sec. 1, 9-17-80)

### **Sec. 6-37. Fees.**

- (a) There shall be established a permit fee schedule as follows:

**SINGLE-FAMILY, MULTIFAMILY AND DUPLEX, INDUSTRIAL, COMMERCIAL, AND OFFICE CONSTRUCTION** (per dwelling unit as defined by the Fox River Grove Zoning Ordinance, and/or per unit with each separate office, manufacturing or business, within a building being considered as a separate unit):

- (1) New construction 1,000 square feet, minimum

**BUILDINGS AND BUILDING REGULATIONS**

fee (single-family) for living area .....	\$427.00
(2) New construction 600 square feet or less, minimum fee (multifamily and duplex) .....	\$409.00
(3) New construction 1,000 square, feet or less, minimum (industrial, commercial, office) .....	\$586.00
(4) Each additional square foot over minimum (items (1) through (3)):	
1,000 to 5,000 square feet .....	\$ 0.30
5,001 to 10,000 square feet .....	\$ 0.20
Over 10,000 square feet .....	\$ 0.16
(5) Basements, per square foot .....	\$ 0.13
(6) Crawl spaces, per square foot .....	\$ 0.09
(7) Attached and detached garages, 12 feet wide or less .....	\$59.00
(8) Attached and detached garages over 12 feet wide .....	\$71.00
(9) Accessory building, new, 100 square feet or less, minimum fee .....	\$59.00
(10) Accessory building, new, each additional square foot over minimum	\$ 0.16
(11) Construction of an open air deck which does not have any roof and which is attached to a residential building .....	\$46.00
(11a) Siding or roofing (tear off and replace existing only, substrate framing/ sheathing inspection required, repairs will require new permit.....	\$80.00
(11b) Doors and windows (replace same size only, energy inspection required	\$80.00

**ADDITION, ALTERATION, REMODEL, REPAIR OR REPLACEMENT OF ANY COMPONENT, BUILDING OR STRUCTURE** (per dwelling unit or units as defined by the Fox River Grove Zoning Ordinance except that each separate office, manufacturing or business within a building shall be considered a separate unit):

(12) <i>Valuation</i> .....	<i>Fee</i>
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**BUILDINGS AND BUILDING REGULATIONS**

\$45.00 or 1% of the cost of construction, whichever is greater

"Repair" means the replacement of existing work with equivalent materials for the purpose of its maintenance; but not including any addition, change or modification in construction, exit facilities or permanent fixtures or equipment. Repairs may be made without filing an application or obtaining a permit.

**PLUMBING** (per dwelling unit or units as defined by the Fox River Grove Zoning Ordinance except that each separate office, manufacturing or business within a building shall be considered a separate unit):

(13)	Residential basic fee .....	\$ 35.00
(14)	Commercial basic fee .....	\$47.00
(15)	Industrial basic fee .....	\$59.00
(16)	Fixture, per fixture .....	\$5.00
(17)	Gas piping, per opening .....	\$5.00
(18)	Floor drain, per drain .....	\$5.00
(19)	Sprinkler system (fire) (per \$1,000.00 of valuation) .....	\$12.00

**ELECTRICAL** (per dwelling unit or units as defined by the Fox River Grove Zoning Ordinance except that each separate office, manufacturing or business within a building shall be considered a separate unit):

(20)	Residential basic fee (100 amp service, 10 circuits, 75 openings).....	\$ 35.00
(21)	Commercial basic fee (100 amp service, 10 circuits, 75 openings)...	\$59.00
(22)	Industrial basic fee (100 amp service, 10 circuits, 75 openings) .....	\$83.00
(23)	Each additional circuit over 10 .....	\$4.00
(24)	Each additional opening over 75.....	\$4.00
(25)	Each additional 100 amp.....	\$12.00

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- (26) Signs, canopies, awnings and street clocks:
  - a. Non-illuminated signs (unless temporary): \$15.00 plus \$0.25 per square foot of gross surface area of each face thereof.
  - b. Temporary signs fee as stated in section 6-112, Ordinance No. 2001-32: Temporary permits may be issued for maintenance of a temporary sign for a short time not to exceed fourteen (14) days, upon payment of a fee of \$12.00 for each week or fraction thereof that the sign is to be maintained.
  - c. Fixed canopies and fixed awnings: \$30.00 plus \$0.25 per square foot of area, horizontally projected.
  - d. Illuminated signs and street clocks: \$30.00 plus \$0.25 per square foot of gross surface area of each face thereof.
  - e. Retractable canopies and awnings: \$31.00.

**HEATING** (per dwelling unit or units as defined by the Fox River Grove Zoning Ordinance except that each separate office, manufacturing or business within a building shall be considered a separate unit):

(27) Residential basic fee (plus Btu input or kilowatt fee) .....	\$12.00
(28) Commercial basic fee (plus Btu input or kilowatt fee) .....	\$24.00
(29) Industrial basic fee (plus Btu input or kilowatt fee).....	\$35.00
<i>Btu Input</i> <span style="float: right;"><i>Fee</i></span>	
0-- 75,000 .....	\$12.00
75,001--150,000.....	\$24.00
150,001--250,000 .....	\$35.00
250,001--350,000.....	\$47.00
350,001--500,000 .....	\$59.00
Over 500,000*.....	\$59.00

\* Plus \$0.00006/Btu over 500,000

**(30) ELECTRIC HEATING** (per kilowatt)..... \$0.42

**AIR CONDITIONING** (per dwelling unit or units as defined by the Fox River Grove

**BUILDINGS AND BUILDING REGULATIONS**

Zoning Ordinance except that each separate office, manufacturing or business within a building shall be considered as a separate unit):

(31)	Residential basic fee (plus Btu input fee) .....	\$12.00
(32)	Commercial basic fee (plus Btu input fee).....	\$24.00
(33)	Industrial basic fee (plus Btu input fee) .....	\$35.00
<i>Btu Input</i>		<i>Fee</i>
	0-- 29,000 .....	\$12.00
	29,001-- 36,000 .....	\$23.00
	36,001-- 48,000 .....	\$35.00
	48,001-- 60,000 .....	\$47.00
	60,001--100,000.....	\$59.00
	Over 100,000* .....	\$59.00

\* Plus \$0.00026/Btu over 100,000

**CONSTRUCTION WATER (NEW BUILDINGS):**

(34)	One- and two-family residences .....	\$47.00
(35)	Multifamily, commercial, industrial:	
	Under 2,000 square feet, minimum fee .....	\$47.00
	Each additional square foot over 2,000 to 10,000.....	0.06
	Each additional square foot over 10,000 to 50,000.....	0.04
	Each additional square foot over 50,000 .....	0.03

**PLAN REVIEW PER BUILDING BASIS:**

- (36) Rates shown plus \$38.00/hour if additional review time beyond second review.  
 Building Plan Review at \$0.44/s.f.  
 Plumbing, Electric or Mechanical Plan Review at 13% of Building Plan Review Cost.  
 Energy Plan Review at 15% of Building Plan Review Cost.

**AUTOMATIC SPRINKLER VIEW:**

- (37) Rates shown plus \$38.00/hour if additional review time beyond second review. Fire Sprinkler Plan Review at 27% of Building Plan Review Cost.

**STANDPIPE REVIEW:**

- (38) Rates shown plus \$38.00/hour if additional review time beyond second review.

BUILDINGS AND BUILDING REGULATIONS

Standpipe Plan Review at 27% of Building Plan Review Cost.

**ELEVATOR INSPECTIONS** (per elevator unit):

- (39) Required semi-annual inspection ..... \$93.00
- (40) Re-inspection fee for elevator inspections ..... \$93.00

**DRIVEWAY:**

- (41) Industrial commercial ..... \$125.00
- (42) Multi-family ..... \$125.00
- (43) Single-family ..... \$100.00  
(Ord. No. 11-22, Sec. 1, 9-15-11)

**PARKING LOTS:**

- (44) Single-family (per dwelling unit) ..... \$50.00
- (44.5) Right-of-Way Parking Pads ..... \$50 plus reimbursement of any consultant fees
- (45) Industrial, commercial, multi-family, per square foot of gross area:  
0--10,000 square feet ..... 0.05  
(Ord. No. 11-22, Sec. 2, 9-15-11)

**FENCES:**

- (46) New construction fee ..... \$34.00

**PROPERTY MAINTENANCE**

- (47) VA, FHA or lending institution request for property maintenance code  
compliance inspection, per dwelling unit ..... \$275.00  
(Ord. 15-08, Sec. 1, 5-7-15)

**SWIMMING POOLS:**

- (48) New construction 100 cubic feet or less, minimum fee ..... \$59.00  
Each additional cubic foot over 100 ..... 0.13
- (49) Aboveground pools 2 feet in depth or surface area exceeding  
250 square feet ..... \$35.00

BUILDINGS AND BUILDING REGULATIONS

**DEMOLISH ANY BUILDING WITH BOND AND INSURANCE AS REQUIRED BY ORDINANCE:**

(50) (limit of 30 days after issuance of permit to complete demolition) each 10 feet of height ..... \$31.00

**MOVING BUILDING WITH BOND AND INSURANCE AS REQUIRED BY ORDINANCE:**

(51) House or commercial building..... \$234.00  
(52) One-car garage ..... \$59.00  
(53) Two-car garage..... \$118.00

**REINSPECTION FEE:**

(54) Whenever the Building and Zoning Department shall make a second inspection pursuant to the issuance of a corporation notice under the building or Zoning Ordinance of the Village of Fox River Grove, a twenty-five (\$25.00) dollar fee per code (e.g. Building, Electrical, Plumbing) shall be paid for that inspection and each subsequent inspection. Said fee shall be paid at the time the inspection is requested.

**TEMPORARY OCCUPANCY:**

(55) (Not to exceed 120 days) ..... \$125.00  
Prior to the issuance of the permit, applicant shall furnish the Village of Fox River Grove with an executed agreement holding the Village harmless from liability that might be incurred in issuing the temporary occupancy permit and waiving any claims that the applicant may have against the Village which result from the issuance of the temporary occupancy permit.

- (b) The "valuation" as used in Subsection (a) means the reasonable value of all services, labor, materials and use of scaffolding and other appliances or devices entering into and necessary to the prosecution and completion of the work ready for occupancy.
- (c) The floor area where used as the basis of a building permit fee shall be computed from the outside perimeters of such buildings or structures. All floor levels are to be added in computing the total floor area, exclusive of areas designated as attached garages.
- (d) Repealed per Ordinance No. 2007-10, Sec. 6, 4-19-07.

BUILDINGS AND BUILDING REGULATIONS

(Code 1958, Sec. 19.104; Ord. of 4-8-68, Sec. 1; Ord. of 9-10-73, Sec. 1; Ord. No. 79-19, Sec. 1-4, 8-15-79; Ord. No. 79-44, Sec. 1, 12-9-79; Ord. No. 87-16, Sec. 1, 7-15-87; Ord No. 91-04, Sec. 1, 2-20-91; Ord. No. 97-05, Sec. 1, 3-20-97, Ord. No. 01-12, Sec. 1, 3-15-2001, Ord. No. 05-08, Sec. 1, 4-21-05, Ord. No. 06-10, Sec. 1, 3-16-06; Ord. No. 12-08, Sec. 2, 3-15-12)

**Sec. 6-38. No Permit Required for Replacement Windows and Doors**

Notwithstanding any other provision in this Code of Ordinances or in any building code adopted by reference within this Code of Ordinances, the installation of replacement windows and replacement doors in an existing residential structure shall be allowed without any building permit from the Village. (Ord. No. 13-28, Sec. 2, 11-21-13)

**Secs. 6-39-6-47. Reserved.**

**ARTICLE IV. OPERATIONS**

**DIVISION 1. GENERALLY**

**Sec. 6-48. Night operations.**

No construction or alteration of any building or structure shall be carried on at nighttime if the same is accompanied by loud or annoying noises. (Code 1958, Sec. 19.401)

**Secs. 6-49--6-53. Reserved.**

**DIVISION 2. USE OF PUBLIC WAYS**

**Sec. 6-54. Duty to keep streets, etc., clean during construction operations.**

Except as otherwise provided in this division the person to whom a building permit is issued shall, at all times during the term of the permit, maintain that portion of the street, parkway and sidewalk abutting upon and adjacent to the lot or tract upon which such building is erected, in a safe condition and clear of all building materials, rubbish, dirt or snow. He shall at no time obstruct the gutter or waterways of any street so as to prevent the free passage of water along the same, and if the gutter shall be shaded or covered so that ice accumulates therein, he shall clear the gutter so as to allow water to pass freely at all times. (Code 1958, Sec. 19.404)

**Sec. 6-55. Permit required for use of streets and sidewalks during construction operations.**

It shall be unlawful to deposit or store any building materials, tools, apparatus, or structure designed or intended to be used in the erection, construction, alteration or repair of buildings upon any street,

## BUILDINGS AND BUILDING REGULATIONS

parkway or sidewalk unless a street occupation permit is first obtained from the Superintendent of Streets & Parks. In the absence of such a permit, all building materials, tools, apparatus or structures, shall be placed entirely within the boundary lines of the lot or tract, and shall so remain until the completion of such building or structure or until finally removed from such lot or tract. (Ord. No. 94-15, Sec. 1, 3-17-94)

### **Sec. 6-56. Application for permit; conditions of issuance.**

All applications for street occupation permits shall describe the location of the street, parkway or sidewalk proposed to be occupied, the use to be made of same, and the length of time of such intended occupation. The permit shall be issued subject to the conditions of this division upon compliance with the provisions of this division. (Code 1958, Sec. 19.404)

### **Sec. 6-57. Cash deposit required prior to issuance of permit; refund.**

- (a) The applicant for a sidewalk or street occupation permit shall make a cash deposit of one (\$1.00) dollar for each front foot of the property on which the building operations are to be carried on to insure the maintenance of the street in a safe condition and to insure its complete restoration after completion of the building, provided that such deposit shall not be less than twenty-five (\$25.00) dollars.
- (b) Upon the restoration of any pavement, curb, parkway, sidewalk or public structure damaged in the construction operations, so much of the deposit as shall have been expended by the Village for said restoration shall be retained by the Village and the remainder shall be returned to the depositor; however, nothing herein contained shall preclude the Village from maintaining an action against the person, firm or corporation to recover the damage done to any pavement, curb, parkway, sidewalk or other public structure. (Code 1958, Sec. 19.404)

### **Sec. 6-58. Bond required prior to issuance of permit.**

In addition to the deposit required by Section 6-57, every such applicant shall file with his application, a bond in the penal sum of ten thousand (\$10,000.00) dollars with a good and sufficient surety. The bond shall be conditioned that the person to whom such permit shall be issued, and the heirs, successors or assigns thereof with save and keep the Village free and harmless from all loss or damage arising from or out of the use of the space of said street or sidewalk so occupied, and for the maintenance of such street and sidewalk so occupied in such condition as said sidewalk shall at all times during such use be safe for public travel and for the full and complete protection of the Village against any and all litigation arising out of injuries sustained by persons using said sidewalk or street. (Code 1958, Sec. 19.404)

### **Sec. 6-59. Limitation on portion of street which may be occupied.**

## BUILDINGS AND BUILDING REGULATIONS

- (a) The occupation of a street for the storage of building materials shall never extend more than one-third (1/3) of the way across the street pavement, nor to any greater extent than is authorized by the permit.
- (b) It shall be unlawful to occupy with building materials any street, parkway or sidewalk or any part thereof other than that immediately in front of the lot or land upon which the building is being erected; however, if the written consent of the owners, tenants or occupants of properties adjoining the site is first obtained and filed with the Superintendent of Streets and Parks, the occupation of the street, parkway and sidewalk may be extended in front of the property by the owners so consenting upon the same terms and conditions as those fixed for the occupation of the street in front of the building site. (Ord. No. 94-15, Sec. 1, 3-17-94)

### **Sec. 6-60. Footway to be provided in front of construction operations.**

During the progress of a building operation, a sidewalk of not less than five (5) feet four (4) inches in width, or an equal width of a clean, hard paved roadway, made available and safe for a footway, and with adequate guard railings, shall at all times be kept open, clean and unobstructed for the purposes and uses of a passageway in front of any lot where construction operations are in progress. (Code 1958, Sec. 19.404)

### **Sec. 6-61. Mixing concrete and mortar on pavement prohibited.**

It shall be unlawful for any person to mix mortar, concrete or any other building material upon the surface of any sidewalk or pavement in the Village. (Code 1958, Sec. 19.404)

### **Sec. 6-62. Barricades and lighting required; disturbing barricades and lighting.**

- (a) Any person to whom a building or street occupation permit is issued, shall erect and maintain such substantial and suitable fences, railings or barricades to guard all excavations, embankments or obstructions along the street, parkway or sidewalk abutting upon or adjacent to such lot or tract as the Superintendent of Streets and Parks deems necessary for the protection of the lives and limbs of the public; and shall place and maintain proper and sufficient red lights to protect the public using such street or sidewalk from 7:00 p.m. to 5:00 a.m. throughout the months of April to September, inclusive, and from 5:00 p.m. to 7:00 a.m. throughout the months of October to March, inclusive. Such lights shall be placed at each end of every such obstruction or excavation and at intervals of at least seventy-five (75) feet along the same. (Ord. No. 94-15, Sec. 1, 3-17-94)
- (b) Any person who maliciously or wantonly, and without legal cause, removes, extinguishes, diminishes or disturbs such lights or removes or disturbs such barricades, shall be deemed guilty of a violation of this Section. (Code 1958, Sec. 19.404)

## BUILDINGS AND BUILDING REGULATIONS

### **Sec. 6-63. Restoration of damaged pavement.**

Whenever any pavement, curb, parkway, sidewalk or other public structure is damaged by the erection or alteration of any building abutting thereon by reason of the construction thereof, the same shall be restored by, or at the expense of the owner of the building involved, or his contractor, to a condition as good and serviceable as prior to the beginning of the work. (Code 1958, Sec. 19.404)

### **Sec. 6-64. Termination of permit; removal of material, etc.**

Permission to occupy streets, sidewalks and parkways for the purpose of building shall terminate with the completion of such operation or at an earlier time, if feasible. The person to whom the occupation permit has been issued shall remove all material and equipment and shall place the street, sidewalk and parkway in as neat and serviceable condition as prior to the occupancy thereof. (Code 1958, Sec. 19.404)

### **Secs. 6-65--6-74. Reserved.**

## **ARTICLE V. MOVING BUILDINGS**

### **Sec. 6-75. Permit required.**

No person shall move any building on, through or over any street, alley, sidewalk or other public place in the Village without having first obtained a permit therefor. (Code 1958, Sec. 19.501)

### **Sec. 6-76. Application for permit; contents.**

Application for a permit required by this Article shall be made in writing to the Village Clerk, and shall state thereon the proposed route and the number of days it is intended that the building shall occupy any portion of any street, alley, sidewalk or other public place. (Code 1958, Sec. 19.501)

### **Sec. 6-77. Permit fee.**

Upon approval of the intended route by the Village Board of Trustees, a fee of fifty-two (\$52.00) dollars for each day or fraction thereof that it is intended that the building shall occupy any portion of any public place shall be paid to the Village Clerk and the permit issued. An additional payment of fifty-two (\$52.00) dollars for each day or fraction thereof over and above the time stated on the permit during or on which any building shall occupy such public place shall be paid. (Code 1958, Sec. 19.502, Ord. No. 12-08, Sec. 2, 3-15-12)

### **Sec. 6-78. Bond required.**

Every person applying for a permit under this Article shall submit with his application, a bond or

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indemnity policy in the amount of fifty thousand (\$50,000.00) dollars with a lawful corporate surety to be approved by the Village Board of Trustees, conditioned on his compliance with all of the provisions of this Article, and agreeing to pay and holding the Village harmless from any claim which may be made against it by reason of the occupation of any street, sidewalk, or other public place by the building or structure moved. (Code 1958, Sec. 19.503)

### **Sec. 6-79. Lights and warnings.**

Whenever a street or alley is blocked by a house or structure which is being moved, warnings to that effect shall be placed by the contractor under the instruction of the Superintendent of Streets and Parks so as to warn vehicles and persons from entering that portion of the street so blocked. The person moving any building through the streets shall keep warning signs and lanterns or lights at night on the building so as to guard against any person or vehicle colliding with it. (Code 1958, Sec. 19.504)

### **Sec. 6-80. Cutting wires and cables.**

Whenever it shall be necessary to interfere with wires or cables of a public utility in moving a building, the terms of any special or franchise ordinance governing shall apply. (Code 1958, Sec. 19.505)

### **Sec. 6-81. Fire alarm wires.**

When any moving building approaches any fire alarm wire or pole which shall be endangered by the removal of such building or structure, it shall be the duty of the mover to notify the Chief of the Fire District at least six (6) hours before reaching such wire or pole so that they may be removed or cared for by the Village authorities. (Code 1958, Sec. 19.506)

### **Secs. 6-82--6-91. Reserved.**

## **ARTICLE VI. DANGEROUS BUILDINGS\***

### **Sec. 6-92. Defined.**

The term "dangerous building" as used in this Article is hereby deemed to mean and include:

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

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\* State law reference--Authority of Village relative to dangerous buildings, 65 ILCS 5/11-31-1 et seq.

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- (b) Any building, shed, fence, or other man-made structure which, because of faulty construction, age, lack of proper repair or any other cause is especially liable to fire and constitutes or creates a fire hazard.
- (c) Any building, shed, fence, or other man-made structure which, by reason of faulty construction or any other cause, is liable to cause injury or damage by collapsing or by a collapse or fall of any part of the structure.
- (d) Any building, shed, fence, or other man-made structure, which, because of its condition or because of lack of doors or windows is available to and frequented by malefactors or disorderly persons who are not lawful occupants of such structure.
- (e) Any building or structure which fails to conform to the minimum standards of health and safety as set forth in the applicable Ordinances of the Village. (Code 1958, Sec. 19.201; Ord. of 7-26-71, Sec. 1)

**Sec. 6-93. Declared to be nuisances.**

Any dangerous building in the Village is hereby declared to be a nuisance. (Code 1958, Sec. 19.201)

**Sec. 6-94. Abatement procedure generally.**

- (a) Whenever the building inspector or the Superintendent of Building and Zoning shall be of the opinion that any building or structure in the Village is a dangerous building, he shall file a written statement to that effect with the Village Board of Trustees. The Village Clerk shall thereupon cause written notice to be served upon the owner or owners, the lienholders of record thereof, and upon the occupant thereof, if any, by registered mail or by personal service. Where, upon diligent search, the identity or whereabouts of the owner or owners, of any such building including the lienholders of record is not ascertainable, notice mailed to the person or persons in whose name such real estate was last assessed is sufficient notice under this Section. Such notice shall state that the building has been declared to be dangerous and unsafe, and that such condition must be removed or remedied by repairing or altering the building or by demolishing it; and that the condition must be remedied at once. Such notice may be in substantially the following form:

"To \_\_\_\_\_ (owner-occupant- lienholder of premises) of the premises known and described as \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ You are hereby notified that (described building or structure) on the premises above-mentioned has been condemned as a dangerous building after inspection by \_\_\_\_\_ and that said building is a public nuisance.

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The causes for this decision are (here insert the facts as to the dangerous condition).

You must remedy this condition or demolish the building immediately or the Village will proceed to do so, and will claim a prior lien against the real estate for its expenses." (Ord. No. 94-12, Sec. 2, 3-17-94)

- (b) If the person receiving such notice has failed to put such building in a safe condition or to demolish it within fifteen (15) days from the date that the aforesaid notice is served upon such person by personal service or by registered mail, or within such other time that the state statutes might prescribe, the Village may apply to the circuit court for an order authorizing the Village to demolish, repair or cause the demolition or repair of such building and for such other and further relief as may be permitted by applicable state law. (Code 1958, Sec. 19.203; Ord. of 7-26-71, Sec. 2)

**Sec. 6-95. Certain buildings in fire limits to be destroyed or rebuilt.**

Any frame building or structure within fire limits of the Village which has been or may be damaged by fire, decay, or other cause to the extent of fifty (50%) percent of its value, shall be torn down and removed, or rebuilt with nonflammable exterior walls. (Code 1958, Sec. 19.204)

**Sec. 6-96. Same-Appointment of board to determine extent of damage.**

Upon the filing of a written notice with the Village Clerk by the building inspector or the Superintendent of Building and Zoning, to the effect that a building has been so damaged to the extent described in Section 6-95, the Village Clerk shall notify the Village Board of Trustees of the receipt of such notice. The Board of Trustees shall then appoint a board of three (3) persons to determine whether or not such building or structure has been damaged to the extent of fifty (50%) percent of its value. (Code 1958, Sec. 19.204)

**Sec. 6-97. Same-Notice to owner of premises.**

A copy of the notice of the appointment of the board of three (3) persons to determine the damage shall be served upon the owner of the premises by personal service or by registered mail at his last known address. The notice may be in substantially the following form:

"To \_\_\_\_\_: You are hereby notified that \_\_\_\_\_ has determined that the building owned by you at \_\_\_\_\_ located within the fire limits of the Village has been damaged by fire, decay or otherwise to the extent of fifty (50%) percent of its value

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and that a board of three (3) persons has been appointed to verify this finding, which board will hold its first meeting in room \_\_\_\_\_ of the Village hall on the \_\_\_\_\_ day of \_\_\_\_\_ at the hour of \_\_\_\_\_ o'clock, at which time it will determine whether or not the building in question has been damaged to the extent of fifty (50%) percent of its value. If this finding is verified by the board, you must tear down and remove the said building." (Code 1958, Sec. 19.204)

**Sec. 6-98. Same-Action of board.**

If the board of three (3) members determines that the building in question has been damaged to the extent of fifty (50%) per cent of its value, it shall be the duty of the owner to tear down or remove the said building within twenty (20) days after the finding of the board, or remodel it to comply with the requirements for new buildings in the fire limits. It shall be unlawful to occupy or permit such building to be occupied after such finding until it is so remodeled. (Code 1958, Sec. 19.204)

**Secs. 6-99-6-108. Reserved.**

**ARTICLE VII. SIGNS AND AWNINGS**

**Sec. 6-109-6-133. Repealed**

Repealed in its entirety per Village Ordinance 2016-06, Section 1, April 7, 2016 and moved to Zoning Ordinance per Village Ordinance 2016-07.

**Secs. 6-134--6-147. Reserved.**

**ARTICLE VIII. (Reserved)**

Article VIII of Chapter 6 of the Code of Ordinances of the Village of Fox River Grove shall be repealed in its entirety. (Ord. No. 15-08, Sec. 2, 5-7-15)

**Sec. 6-148-6-159. Reserved**

**ARTICLE IX. ELECTRICITY\*\***

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\*\* State law references-Authority of village to regulate the installation, alteration and use of electrical equipment, 65 ILCS 5/11-37-2; authority to prevent the dangerous construction, installation and condition of electrical wiring, 65 ILCS 5/11-8-2

## BUILDINGS AND BUILDING REGULATIONS

### **Sec. 6-160. Building inspector to act as ex officio electrical inspector.**

Unless and until an electrical inspector shall be appointed by the Village President and Board of Trustees, the Office of Building and Zoning shall act as ex officio electrical inspector and shall have all of the powers and perform all of the duties connected with that office. (Code 1958, Sec. 4.507)

### **Sec. 6-161. "Electrical equipment" defined.**

The term "electrical equipment" as used in this chapter shall be construed to mean and include, conductors and equipment installed for the utilization of electricity supplied for light, heat or power, but does not include radio apparatus or equipment for the wireless reception of sounds and signals nor ordinary household appliances, such as toasters, vacuum cleaners, washing machines, and does not include apparatus, conductors, and other equipment installed for and by public utilities, including common carriers, which are under the jurisdiction of the State for use in their operations as public utilities. (Code 1958, Sec. 20.101)

### **Sec. 6-162. Electrical code adopted.**

That certain document, three (3) copies of which are on file in the office of the Village Clerk, being marked and designated as the NEC National Electrical Code, 2008 Edition, as published by the National Fire Protection Association, be and is hereby adopted by reference as the Electrical Code of the Village for the control of all electrical equipment as herein provided; and each and all of the regulations, provisions, conditions and terms of the NEC National Electrical Code, 2008 Edition, are hereby referred to, adopted and made a part hereto by reference, as if fully set out in this Code. (Ord. No. 97-10, Sec. 7, 5-15-97; Ord. No. 02-04, Sec. 7, 2-21-02; Ord. No. 07-27, Sec. 5, 8-16-07, Ord. 09-21, Sec. 1, 9-17-09)

### **Sec. 6-163. Permit required for installation or repair of electrical equipment.**

It shall be unlawful for any person to install or alter any electrical equipment or wiring without having first obtained a permit therefor. (Code 1958, Sec. 20.103)

### **Sec. 6-164. Application for permit; contents; accompanying plans and specifications.**

Application for a permit required by this Article shall be made in writing to the Village Clerk, and shall be referred by him to the electrical inspector. Each application shall contain the name of the owner of the premises to be served, the name of the contractor doing the work, and the nature of the work to be done. Where the work consists of a new installation, or extensive repairs or alterations, plans and specifications of the work shall accompany the application. (Code 1958, Sec.20.103)

## BUILDINGS AND BUILDING REGULATIONS

### **Sec. 6-165. Issuance of certificate of approval.**

The electrical inspector shall issue a certificate after each inspection in which the wiring or apparatus is found to be in compliance with the terms of this Article and with the Electrical Code adopted hereby. (Code 1958, Sec. 4.704, 20.104)

### **Sec. 6-166. Work not to be covered prior to inspection and approval.**

No electrical wiring shall be covered until it has been inspected and approved. (Code 1958, Sec. 4.703)

### **Sec. 6-167. Power not to be turned on prior to issuance of certificate of approval.**

It shall be unlawful for any person to use or turn on electrical power into any wires or apparatus for which a certificate of approval has not been issued because the permit was not secured for installation or because the work was not completed in accordance with the provisions of this Article. (Code 1958, Sec. 20.103)

### **Sec. 6-168. Issuance of stop orders; resumption of work.**

- (a) The electrical inspector shall have the power to order all work stopped on the installation, alteration or repair of electrical equipment in the Village when such work is being done in violation of any provision of this Chapter or other Ordinance relating to electricity. If the stop order is oral, it shall be followed by a written stop order within one (1) hour. Such stop order may be served by any policeman.
- (b) Work shall not be resumed after the issuance of a stop order except upon the written permission of the electrical inspector. (Code 1958, 4.705)

### **Sec. 6-169. Right of entry of electrical inspector.**

The electrical inspector shall have the right during reasonable hours to enter any building in the discharge of his official duties or for the purpose of making an inspection or test of the electrical equipment therein. (Code 1958, Sec. 4.702)

### **Sec. 6-170. Power of electrical inspector to turn off current.**

The electrical inspector shall have the power to cause the current in any wire or conduit to be turned off whenever this becomes necessary for the protection of life, limb or property. (Code 1958, Sec. 4.702)

### **Secs. 6-171-6-180. Reserved.**

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**ARTICLE X. PLUMBING\***  
**DIVISION 1. GENERALLY**

**Sec. 6-181. Plumbing code adopted.**

That certain document, three (3) copies of which are on file in the office of the Village Clerk, being marked and designated as the 2004 Illinois State Plumbing Code, be and is hereby adopted by reference as the Plumbing Code of the Village; and each and all of the regulations, provisions, conditions and terms of the said Code, are hereby referred to, adopted and made a part hereof by reference, as if fully set out in this Code with the following amendments:

- (1) Section 890.350, Unions, is amended to read as follows:

Unions may be used in the drainage and venting systems when accessibly located aboveground. Di-electric unions shall be installed in a water supply system within twelve (12) inches of regulating equipment, water heating, conditioning tanks and similar equipment which may require service by removal or replacement in a manner which will facilitate its ready removal.

- (2) Section 890.350(b), Water Supply System, is amended to read as follows:

Unions in the water supply system shall be metal with ground seats, except that plastic to metal unions may utilize durable, nontoxic, impervious gaskets. Fittings between dissimilar metals shall be di-electric type.

- (3) Section 890.137(a)(3) is amended to read as follows:

Every public washroom shall have at least one (1) properly sized and vented floor drain.

- (4) Subheading 1, Materials for water lines, Table A is amended to read as follows:

1. Materials for water lines
  - A. Inside
    1. Underground: Type K copper
    2. Above grade: A. Type K or L copper hard drain  
B. Galvanized iron

(Ord. No. 02-04, Sec. 8, 2-21-02; Ord. No. 07-27, Sec. 6, 8-16-07)

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\* Cross reference-Water and sewers, Sec. 23-1 et seq. (Ord. No. 79-30, Sec. 5, 9-19-79; Ord. No. 81-03, Sec. 1, 1-21-81; Ord. No. 88-02, Sec. 5, 1-20-88)

State law reference-Adoption of technical codes by reference, 65 ILCS 5/1-3-2 et seq.

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**Sec. 6-182. Office of Building and Zoning to act as ex officio plumbing inspector.**

Unless and until a plumbing inspector is appointed by the Village President and Board of Trustees, the Office of Building and Zoning shall be ex officio plumbing inspector and shall have all powers and perform all the duties connected with that office. (Code 1958, Sec. 4.506)

**Sec. 6-183. General duties of plumbing inspector.**

It shall be the duty of the plumbing inspector to see to the enforcement of the provisions of this Article and other Ordinances of the Village relating to plumbing and plumbing equipment and to make such inspections and perform such tests as may be necessary in the enforcement of the same. (Code 1958, Sec. 4.602)

**Sec. 6-184. Power of plumbing inspector to issue stop order; resumption of work after issuance of order.**

The plumbing inspector shall have the power to order work stopped on the construction, alteration or repair of plumbing equipment when such work is being done in violation of this Article or other Ordinances of the Village. Work shall not be resumed after the issuance of a stop order except upon the written permission of the plumbing inspector. If the stop order is oral, it shall be followed by a written stop order within one (1) hour. (Code 1958, Sec. 4.603)

**Secs. 6-185-6-189. Reserved.**

**DIVISION 2. PERMITS AND INSPECTIONS**

**Sec. 6-190. Permit required.**

No plumbing shall be installed in any place in the Village unless a permit therefor is first obtained. (Code 1958, Sec. 21.102)

Cross reference-Permits generally, Sec. 12-1 et seq.

**Sec. 6-191. Application for permit; contents; accompanying plans and specifications.**

Applications for permits required by this Division shall be made in writing to the Village Clerk, and shall state thereon the name of the person or contractor intended to have charge of the installation and shall contain an agreement by the applicant to conform to the provisions of this Article and other Ordinances of the Village. Before issuing the permit the Village Clerk shall require the applicant to submit plans and specifications of the proposed work. (Code 1958, Sec. 21.102)

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### **Sec. 6-192. Permit fees.**

For permit fees required by this Division refer to Section 6-37 for each fixture, included in the system. Bathtubs, lavatories, closets, sinks, laundry tubs, drinking fountains, shower receptacles, urinals, slop sinks and soda fountains shall be considered fixtures. (Code 1958, Sec. 21.103; Ord. No. 12-08, Sec. 3, 3-15-12)

### **Sec. 6-193. Inspections required.**

The plumbing inspector shall make or cause to be made such inspections as may be necessary to insure compliance with the provisions of this Article. (Code 1958, Sec. 21.104)

### **Sec. 6-194. Tests and additional permit for changes in sewer-connected pipes.**

All plumbing fixtures installed in the Village shall be subject to either the air test or the water test under the supervision of the plumbing inspector, and where there is any change in any sewer-connected pipes, and where such change is on the sewer side of the trap, except in case of minor repairs, a permit shall first be obtained, and the work tested by the plumbing inspector. (Code 1958, Sec. 21.105)

### **Sec. 6-195. Work to be exposed until inspected.**

In all cases in which any plumbing is installed or any sewer-connected pipe is repaired or changed, except for minor repairs, such installations or repairs shall be left exposed to view for inspection and testing and shall remain so exposed until inspected by the plumbing inspector. (Code 1958, Sec. 21.106)

### **Sec. 6-196. Traps not to be inaccessible.**

In no case shall a trap be inaccessible at any time. (Code 1958, Sec. 21.106)

### **Sec. 6-197. Issuance of certificate of inspection.**

If the plumbing inspector is satisfied, after inspection, that all the requirements of this Chapter have been fulfilled, he shall issue a certificate of approval and the work may then be covered. (Code 1958, Sec. 21.106)

### **Secs. 6-198--6-199. Reserved**

## BUILDINGS AND BUILDING REGULATIONS

### ARTICLE XI. MULTIPLE-FAMILY RESIDENTIAL RENTAL PROPERTY INSPECTIONS

#### Sec. 6-200. Purpose.

The Board of Trustees of the Village of Fox River Grove establishes the following inspection program for multiple-family residential rental properties to:

- (a) Protect the public health, safety, and welfare of the residents of the Village of Fox River Grove by:
  - (1) increasing the likelihood that residential rental units in multi-family buildings in the Village comply with the minimum housing standards contained in the Ordinances of the Village; and
  - (2) providing for the correction and prevention of housing conditions that adversely affect, or are likely to adversely affect, the life, safety, general welfare and health, including the physical, mental and social well-being of persons occupying the dwellings; and
- (b) Protect the character and stability of residential areas by:
  - (1) facilitating the enforcement of minimum standards for the maintenance of existing multiple-family residential buildings; as set forth in the Ordinances of the Village and
  - (2) preserving the value of land and buildings throughout the Village;

#### Sec. 6-201. Definitions.

For purposes of this Article, the following words and phrases shall have the meanings set forth in this Section 6-201:

*Building Code* means the Building Code in effect pursuant to Sec. 6-1 of the Code of Ordinances of the Village of Fox River Grove ("Village Code").

*Condominium* means property subject to the Condominium Property Act [765 ILCS 605/1 *et seq.*]

*Dwelling* means a building or portion thereof designed or used exclusively for residential purposes, but not including trailers or structures which are not permanently anchored to the land, and also not including lodging rooms in hotels, motels, or lodging houses.

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*Dwelling, Multiple-Family* means a building containing three (3) or more dwelling units or multiple buildings on the same or adjacent parcels which have the same owner(s) and which together contain three (3) or more dwelling units.

*Dwelling Unit* means the portion of a multiple-family dwelling which is designed or intended to be occupied as a single unit. An apartment, as that word is generally used, constitutes a dwelling unit and a building containing three apartments is considered to have three dwelling units.

*Electrical Code* means the Electrical Code in effect pursuant to Sec. 6-162 of the Village Code.

*Fire Prevention Code* means the Fire Prevention Code in effect pursuant to Sec.6-12 of the Village Code.

*Multiple-Family Residential Rental Property* means a building that has three (3) or more rental dwelling units, or multiple buildings on the same or adjacent parcels which have the same owner(s) and which together contain three (3) or more rental dwelling units.

*Occupant* means any person who lives in, sleeps in or regularly cooks or eats in or who has actual possession or control of a dwelling unit in a Multiple Family Residential Property.

*Operator* means any person who has charge, care or control of a Multiple Family Residential Rental Property.

*Owner* means one or more natural persons, a corporation, partnership or any other legal entity, jointly or severally in whom is vested legal title to a Multiple-Family Residential Rental Property, except: (1) if legal title is held by a land trust, owner shall mean the beneficial owner or owners of the land trust; and (2) if there is a purchaser or purchasers under a real estate installment sales contract, owner shall mean the purchaser or purchasers. Owner shall also include any mortgagee in possession of the realty.

*Person* means any individual, firm, association, partnership, limited liability company, corporation, trust or any other legal entity.

*Plumbing Code* means the Plumbing Code in effect pursuant to Sec. 6-181 of the Village Code.

*Property Maintenance Code* means the Property Maintenance Code in effect pursuant to Sec. 6-300 of the Village Code. (Ord. No. 15-08, Sec. 3, 5-7-15)

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*Rental Agreement* means an oral or written lease or other agreement covering a definite or indefinite period of time containing the terms of occupancy of a dwelling unit by a tenant.

*Rental Unit* means a dwelling unit in a multiple-family residential rental property that is rented or leased or offered for rent or lease under a rental agreement. A rental unit does not include a condominium unless a person owns or controls more than fifty percent (50%) of the units in a condominium and more than fifty percent (50%) of the units such person owns or controls are occupied by tenants.

*Rental Income* means rent and includes any consideration paid for or in connection with the use or occupancy of a dwelling unit.

*Rental Manager* means a person, who is not the owner of the property, who receives compensation for managing any rental unit.

*Superintendent of Building and Zoning* means the Superintendent of Building and Zoning of the Village or any person employed.

*Tenant* means a person occupying a dwelling unit pursuant to a rental agreement.

### **Sec. 6-202. Certificate of Registration Required for Multiple-Family Residential Rental Properties.**

- (a) No multiple family dwelling shall be operated as a multiple-family residential or commercial rental property unless landlord of such multiple family dwelling holds a current, unexpired certificate of registration issued by the Village, for the multiple-family residential rental property. This Section 6-202 shall not apply to the following structures:
- (1) Single-family rental property;
  - (2) Residential property with two (2) or fewer rental dwelling units;
  - (3) Condominiums, except for the common areas, unless a person owns or controls more than fifty percent (50%) of the units in a condominium building and more than fifty percent (50%) of the units owned or controlled by such person are occupied by tenants;
  - (4) Dwellings, buildings, structures and uses licensed and inspected by the State or the Federal government, including, but not limited to, nursing homes, retirement centers and rest homes. (Ord. No. 09-15, Sec. 1, 5-14-09)
- (b) The landlord of a multiple-family residential rental property shall file a registration

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statement for each such rental property with the Village Clerk. The registration statement shall be *prima facie* evidence that the information in the statement is true. The registration statement shall be on a form provided by the Village Clerk and shall contain the following information:

- (1) The name, address and telephone number of the owner(s), operators and rental managers of the multiple-family residential rental property. If an owner, operator or rental manager is a partnership, corporation, limited liability company or similar entity, the statement shall include the name, address and telephone number for all general partners, managers or officers and the name, address, telephone number and the name and address of a person who is designated to receive notices from the Village relating to the rental property. The person designated shall be authorized to receive service of process on behalf of the owner, operator or rental manager.
- (2) When an owner is a land trust, the statement shall include the name, address and telephone numbers of each person holding a beneficial interest in the land trust.
- (3) The street address and permanent index number of the multiple-family residential rental property and the number of dwelling units in the multiple-family residential rental property.

For the purpose of this Section, a post office box is not sufficient as an address. Only one registration statement is required for each multiple-family residential rental property provided the names of all owners, operators and rental managers are listed in the registration statement. It is a violation of this Section for any person to submit a registration statement which contains false information or incomplete information which is intended to be misleading.

- (c) Each landlord shall have a local agent if the address(es) of the owner, operator and rental manager provided pursuant to Section 6-202(b)(1) or Section 6-202(b)(2) are all located outside of Cook, McHenry, Lake or Kane Counties, Illinois. The local agent shall be authorized by the landlord to receive notices of code violations and receive process in any court proceeding on behalf of such owner or landlord in connection with the enforcement of the Village Code. The local agent must maintain an office or reside within McHenry, Lake, Cook or Kane Counties, Illinois. The agent must be a natural person twenty-one years or older.

### **Sec. 6-203. Time of registration.**

- (a) A registration statement shall be effective for a calendar year. The registration

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statement shall be filed annually with the Village Clerk before January 1 of the calendar year for which it is to be effective, beginning on January 1, 2007. Upon registration the Village Clerk, or the Clerk's designee, shall issue a certificate of registration to the landlord, which shall certify that the landlord has registered the multiple-family residential rental property as required by this Article. The landlord of any multiple family dwelling which becomes a multiple-family residential rental property after January 1 shall file a registration statement no later than thirty (30) days after the date on which the multiple-family dwelling became a multiple-family residential rental property.

- (b) The landlord shall notify the Village Clerk within ten (10) days of any change in the information provided in a registration statement by completing an amended registration statement.
- (c) A certificate of registration for a multiple-family residential rental property is not transferable to a subsequent purchaser or assignee. It shall be the duty of any subsequent landlord of the multiple-family residential rental property to register it as required under this Article by filing a registration statement within thirty (30) business days after the transfer of ownership.

### **Sec. 6-204. Minimum standards for multiple-family residential rental property.**

All rental units and common areas in a multiple-family residential rental property must meet the minimum living standards for the safety and protection of the tenants as set forth in the Ordinances of the Village of Fox River Grove. The scope and objects of inspections conducted pursuant to this Article shall be limited to what is reasonably necessary to ensure that the common areas and rental units in a multiple-family residential rental property are in compliance with all applicable Village Ordinances, including but not limited to, the Building Code, the Fire Prevention Code, the Property Maintenance Code, the Electrical Code and the Plumbing Code. Any owner or landlord owning a multiple-family residential rental property which does not comply with the applicable Village Ordinances is in violation of this Section. (Ord. No. 15-08, Sec. 4, 5-7-15)

### **Sec. 6-205. Inspection of multiple-family residential rental property.**

- (a) Annual Inspections of Common Areas. All common areas of a multiple-family residential rental property shall be subject to inspection by or on behalf of the Village on an annual basis as provided in this Article. Common areas include but are not limited to hallways, mechanical rooms, building exteriors and roofs, basements, storage areas, recreational facilities, accessory structures, exterior areas, including parking lots, and any other areas which may be designated as "common areas" in the rental agreement or any

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written description or plan of the rental property. Such inspections are limited to one per year unless either Section 6-205(c) or Section 6-205(d) applies.

- (b) Inspection of Rental Units When There Is a Change of Occupancy. Each rental unit in a multiple-family residential rental property shall be subject to inspection as provided in this Article if there is a change in the tenant who occupies the rental unit. No owner, landlord, operator or rental manager of a multiple-family residential rental property shall allow any person to occupy a rental unit as a tenant for the first time unless the Superintendent of Building and Zoning has been notified in writing that a new tenant will be occupying the rental unit and the Superintendent of Building and Zoning has completed an inspection of the rental unit; provided that if a certificate of registration has been issued for the multiple-family residential rental property in which the rental unit is located, then the new tenant may occupy the rental unit prior to the inspection being performed. Unless otherwise notified by the owner or landlord of the change of tenant prior to occupancy, notification to the Village of a change of occupancy shall be considered to have occurred if a Village vehicle sticker is purchased by someone other than the person who previously purchased a vehicle sticker using the address of the rental unit or if there is a name change for utility billing for the rental unit, whichever occurs first.
- (c) Inspection for Cause. Nothing in this Article shall prohibit the inspection of the common areas of a multiple-family residential rental property more than once a year if the Superintendent of Building and Zoning has received a complaint or otherwise has notice or a reasonable suspicion that the multiple-family residential rental property has one or more violations under this Article. Nothing in this Article shall preclude the inspection of a rental unit following the filing or making of a complaint with the Superintendent of Building and Zoning or if the Superintendent of Building and Zoning otherwise has notice or a reasonable suspicion that conditions within the rental unit may violate provisions contained in one or more Village Ordinances.
- (d) Re-inspection. The Village shall conduct re-inspections of common areas of multiple-family residential rental properties and rental units following an inspection authorized under Subsections (a), (b) or (c) if the Superintendent of Building and Zoning or his designated agent has found violations of Village Ordinances and has given the landlord, and/or occupant notice of the violations with a directive to correct those violations within a specific time.

### **Sec. 6-206. Notice of Inspection; consent to inspection.**

The Superintendent of Building and Zoning or his designated agent shall provide notice of the inspection of the common areas to the landlord. Notice of inspection for a rental unit under Sec. 6-205(b) or (c) of this Article shall be provided to the occupant of the rental unit to be

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inspected, and the landlord if the occupant refuses consent to the inspection. An inspection shall be conducted only if a landlord and/or occupant has given their consent to the inspection by the Superintendent of Building and Zoning or his designated agent. Notice of inspection shall be given to a landlord by either sending notice by registered or certified mail to the address of the person or entity designated in the registration statement or by hand delivery to the landlord. Notice shall be given to the occupant(s) by registered or certified mail to the address of the rental unit to be inspected or by hand delivery of the notice to an occupant who is eighteen (18) years of age or older or by posting the notice on the front door of the rental unit. If the landlord, refuses to consent to the inspection of common areas or if the landlord or occupant of a rental unit refuses to consent to the inspection of the rental unit, then Superintendent of Building and Zoning or his designated agent shall be authorized to obtain an administrative search warrant as provided in Section 6-207.

### **Sec. 6-207. Warrant Authorizing Inspection without Consent.**

If the appropriate consent as provided in Section 6-206 has not been given to enter or inspect the common areas or a rental unit, no entry or inspection shall be made unless a warrant allowing the inspection has been obtained from a court of competent jurisdiction.

### **Sec. 6-208. Certificate of inspection.**

- (a) Issuance of Certificate. The Village shall issue a certificate of inspection to the owner or landlord if, after inspection, the common areas of a multiple-family residential rental property or a rental unit are in compliance with Sec. 6-204 of this Article. The certificate of inspection for common areas shall be valid until the September 30 following the date of its issuance. The certificate of inspection for a rental unit shall be valid until such time as there is a change in occupancy.
- (b) Denial of a Certificate. If the common areas of the rental property or a rental unit is in violation of Sec. 6-204 of this Article, the Village shall mail by registered or certified mail, a written report of such violation(s) to the landlord within twenty-one (21) days of the inspection. Except where the conditions resulting from the failure of a common area or rental unit to comply with the requirements of an applicable Village ordinance create a situation that poses an immediate danger to the safety or health of the public or to persons who may occupy rental units in or be on the premises of the multiple-family residential rental property, the Village shall allow the landlord not less than twenty-one (21) days from the receipt of the report to correct the violations. The report shall state a re-inspection date. The Village shall issue a certificate of inspection if the violations listed in the report are found to have been corrected upon re-inspection. If the violations are not corrected, a certificate of inspection shall not be issued and the Village may take whatever action is necessary to enforce compliance with the applicable Village codes and ordinances.

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- (c) Certificate Required. Subject to the provisions of Sec. 6-205(b) of this Article, no landlord may permit the occupancy of a rental unit by any tenant without having a valid certificate of inspection for the rental unit.
- (d) Landlord Responsibility. It shall be the responsibility of the landlord to maintain certificates of inspection for common areas and rental units. Certificates of inspection for common areas shall be displayed in a prominent place in the multiple-family residential rental property for which the certificate has been issued. The certificate of inspection for a rental unit shall be provided upon request of the Superintendent of Building and Zoning or his designated agent. Failure to display the certificate of inspection for common areas or produce a certificate of inspection for a rental unit upon proper request, shall constitute a separate offense for which the landlord is liable.
- (e) No Warranty of Habitability. The issuance of a certificate of inspection shall not be construed as a warranty of habitability a dwelling unit or any guarantee to the owner or landlord or any occupant of a rental unit or any other person that the common areas of a multiple-family residential rental property or a rental unit are free from violations of applicable Village ordinances or from violations of any other applicable law or regulation. Nothing in this Article shall be construed as creating a duty or obligation on the part of the Village, or the Village's officers, employee or agents to any holder of a certificate of inspection, landlord, occupant or other person.

### **Sec. 6-209. Inspection Fees.**

- (a) The following fees shall be paid by the Landlord for inspections and re-inspections:
  - (1) First Inspection: \$83.00
  - (2) Each re-inspection following the first inspection: \$52.00
- (b) If an inspection is scheduled and the Landlord fails to keep the appointment, the appearance of the Superintendent of Building and Zoning or his designated agent at the multiple-family residential rental property for the appointment shall be deemed to constitute an inspection for the purpose of calculating the fees payable under this Section.
- (c) The inspection fees shall be payable within ten (10) days of receipt of an invoice for such inspections. (Ord. No. 12-08, Sec. 4, 3-15-12)

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### **Sec. 6-210. Penalty; Additional relief.**

- (a) Any person who violates, neglects or refuses to comply with, or who resists or opposes the enforcement of any of the provisions of this Article, upon conviction thereof, shall be fined not less than two hundred fifty dollars (\$250.00), for each offense plus twenty-five (25%) percent on building permit fees and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
- (b) In addition to the penalty provided in this Article, the appropriate authorities of the Village may take such other action as they deem proper to enforce the terms and conditions of this Article, including, without limitation, an action in equity to compel compliance with its terms. That any person violating the terms of this Article shall be subject, in addition to the foregoing penalties, to payment of court costs and reasonable attorney fees. (Ord. No. 2006-40, Sec. 1, 8-17-06; Ord. No. 12-08, Sec. 4, 3-15-12)

## **ARTICLE VII PROPERTY MAINTENANCE**

### **Sec. 6-300. Property Maintenance Code adopted.**

That certain document, three (3) copies of which are on file in the office of the Village Clerk being marked and designated as the 2006 International Property Maintenance Code, as published by the International Code Council, Inc., be and is hereby adopted by reference as Property Maintenance Code of the Village; and each and all of the regulations, provisions, conditions and terms of the 2006 International Property Maintenance Code, are hereby referred to, adopted and made a part hereof by reference, as though fully set out in this Code. (Ord. No. 97-10, Sec. 6, 5-15-97; Ord. No. 02-04, Sec. 6, 2-21-02; Ord. No. 07-27, Sec. 4, 8-16-07; Ord. No. 15-08, Sec. 5, 5-7-15)

### **Sec. 6-301. Terms in property maintenance code defined.**

Whenever the following words and phrases are used in the property maintenance code adopted by this Article, they shall have the meanings respectively ascribed to them by this Section:

*Boat* – Any vessel used or capable of being used as a means of transportation on water, except an innertube, air mattress or similar device. Boats include, but are not limited to, sailboats, motorboats, kayaks, canoes, and rowboats. Boats do not include personal watercraft. For the purposes of this Chapter, a boat shall include the trailer used to transport the boat, if the trailer is required by the Illinois Vehicle Code to have a license plate.

*Building Official* – Office of Building and Zoning

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*Dumpster* – Bulk refuse receptacle with a capacity exceeding eight (8) cubic yards.

*Mobile Home* – Structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location, or subsequent locations, at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for one (1) or more persons, provided that any such structure resting on a permanent foundation, with wheels, tongue and hitch permanently removed, shall not be construed as a mobile home.

*Motorboat* – Any boat propelled by machinery, whether or not such machinery is the principal source of propulsion, but does not include a vessel which has a valid marine document issued by the Bureau of Customs of the United States Government or any Federal agency successor thereto.

*Movable Container* – Dumpster, storage container, or any other bulk container used for storage or refuse disposal that is determined not to be a building. The determination of the Village in this matter shall be considered final.

*Municipality* – Village of Fox River Grove

*Personal Watercraft* – Vessel that uses an inboard motor powering a water jet pump as its primary source of motor power and that is designed to be operated by a person sitting or standing inside the vessel, and is designed to carry not more than two persons. Personal watercraft also means a vessel that is similar in appearance, passenger capacity and operation to a vessel that uses an inboard motor powering a water jet pump as its primary source of motor power personal watercraft but which is powered by an outboard or propeller drive motor. For purposes of this Chapter, a personal watercraft shall include the trailer used to transport the personal watercraft, if the trailer is required by the Illinois Vehicle Code to have a license plate. (Ord. No. 2003-26, Sec. 2, 7-17-2003)

*Recreational Vehicle (“RV”)* – Any of the following:

- (1) Travel trailer. A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational or vacation uses, or one permanently identified as a travel trailer by the manufacturer of the trailer.
- (2) Pick-up coach. A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.
- (3) Motor home. A portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
- (4) Camping trailer. A canvas, material or metal folding structure, mounted on wheels, and designed for travel, recreation and vacation use.
- (5) Any other vehicle which is a recreational vehicle as defined in Section 1-169 of the Illinois Vehicle Code, (625 ILCA 5/1-169)

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*Sailboat* – any boat propelled by sail or canvas, including sailboards. For the purpose of this Chapter, any boat equipped to be propelled by both sail or canvas and machinery of any sort shall be deemed a motorboat.

*Storage Container* – Box-like container transported by truck or trailer to a desired location for drop off that would normally be stored at an offsite location. This definition includes, but is not limited to portable on-demand storage, or PODS. (Ord. No. 15-08, Sec. 5, 5-7-15)

### **Sec. 6-302. Exterior Property Areas.**

- (a) **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.
- (b) **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.**
- (c) **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.
- (d) **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 re-infestation.
- (e) **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.
- (f) **Accessory structures.** All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.
- (g) **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.**

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- (h) **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. (Ord. No. 15-08, Sec. 5, 5-7-15)

### Sec. 6-303. Exterior Structure

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.

- (a) **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.
- (b) **Structural members.** All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
- (c) **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.
- (d) **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.
- (e) **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.

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- (f) **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.
- (g) **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.
- (h) **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.
- (i) **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.
- (j) **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.
- (k) **Window, skylight and door frames.** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight. All glazing materials shall be maintained free from cracks and holes. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.
- (l) **Insect screens.** During the period from April 1 to November 1, 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 sixteen (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.**
- (m) **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. All means of egress doors shall be readily openable from the side from which egress is

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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*.

- (n) **Basement hatchways.** Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.
- (o) **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.
- (p) **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.
- (q) **Doors.** Doors providing accesses 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 one (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.
- (r) **Windows.** Operable windows located in whole or in part within six (6) feet 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.
- (s) **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.

### Sec. 6-304. Penalty.

Any residential violation of this Section shall be fined not less than twenty-five (\$25.00) dollars plus twenty-five (25%) percent on building permit fees. Any commercial/industrial/multi-family violation of this Section shall be fined not less than fifty (\$50.00) dollars for each offense plus twenty-five (25%) percent on building permit fees. Each day that a violation is permitted to exist shall constitute a separate offense. A judgment of a fine imposed upon an offender may be enforced in the same manner as a judgment entered in a civil action. (Ord. No. 12-08, Sec. 3, 3-15-12)

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### **Sec. 6-305. Use of mobile homes, recreational vehicles and boats for lodging and dwelling purposes.**

Mobile homes, recreational vehicles and boats shall not be occupied for lodging or dwelling purposes on any lot except as follows:

- (1) Mobile homes may be occupied for dwelling purposes in a mobile home park.
- (2) Mobile homes may be occupied for dwelling purposes during an emergency created by wind, fire, flood or other similar disasters. (Ord. No. 2003-26, Sec. 3, 7-17-2003)

### **Sec. 6-306. Mobile homes, recreational vehicles and boats not to be used as accessory buildings; exception.**

Mobile homes, recreational vehicles and boats shall not be permitted in any district as accessory buildings, except mobile homes may be used as accessory buildings in mobile home parks or when used as temporary offices. Storage containers may be used for temporary storage when incidental to construction of a building development for the period of time such construction is actively undertaken. This exception shall not exceed three (3) months without the express written consent of the Village. Storage containers used for such purposes shall be located on the same lot as the building development or a lot contiguous thereto. (Ord. No. 2003-26, Sec. 4, 7-17-2003; Ord. No. 15-08, Sec. 5, 5-7-15)

### **Sec. 6-307. Storage of mobile homes, recreational vehicles, boats and personal watercraft.**

No mobile home, recreational vehicle, boat or other watercraft shall be stored in the Village except as follows:

- (1) Recreational vehicles may be stored and parked on the private property of the owner of the vehicle, subject to the restrictions and prohibitions set forth below in Section 6-308, "Storage and parking of recreational vehicles in residential zoning districts."
- (2) Mobile homes, recreational vehicles, boats and personal watercraft may be stored on lots occupied by establishments selling and manufacturing the same prior to sale or delivery.
- (3) Boats and personal watercraft may be stored on the premises of a marina or commercial establishment, which is engaged in the business of storing boats and personal watercraft.
- (4) Boats and personal watercraft may be stored and parked on the private property of the owner of the boat or personal watercraft, subject to the restrictions and prohibitions set forth below in Section 6-310, "Storage and parking of boats and personal watercraft in residential zoning"

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districts.” (Ord. No. 2003-26, Sec. 5, 7-17-2003; Ord. No. 15-08, Sec. 5, 5-7-15)

### **Sec. 6-308. Restrictions and prohibitions applicable to the storage and parking of recreational vehicles in residential zoning districts.**

The following restrictions and prohibitions shall apply to the storage and parking of recreational vehicles in all residential zoning districts established pursuant to the Zoning Ordinance of the Village of Fox River Grove:

- (1) Except as provided in Section 6-309, a recreational vehicle shall not be parked or stored less than three (3) feet from a sidewalk, within ten (10) feet of the pavement of a public street or within eight (8) feet of a lot line as defined in the Village of Fox River Grove Zoning Ordinance unless the recreational vehicle is parked or stored within a totally enclosed structure or garage.
- (2) No recreational vehicle parked or stored in a residential zoning district shall exceed ten (10) feet in height (excluding mast and measured at the top of roof from ground level) unless it is parked or stored within a totally enclosed structure or garage.
- (3) A recreational vehicle shall not be parked so as to prevent a driver of a vehicle at an intersection from seeing motor and other vehicles on the cross or intersecting street in either direction for a distance of not less than line of one hundred forty (140) feet when such driver is either stopped at a stop sign or, if there is no stop sign at the intersection, when the driver is within ten (10) feet of an intersection.
- (4) A recreational vehicle shall not be stored or parked unless it is stored or parked on a concrete, asphalt, crushed stone, or equivalent hard surface.
- (5) A recreational vehicle shall not be stored or parked on that part of a lot which is part of a required side yard under the Village of Fox River Grove Zoning Ordinance or within eight (8) feet of a lot line. A recreational vehicle may be stored or parked within the front yard of a lot as defined in the Village of Fox River Grove Zoning Ordinance only if it is parked on a driveway.
- (6) A recreational vehicle may be parked on a public street only for the purpose of loading and unloading the recreational vehicle unless a permit has been issued pursuant to Section 6-309.
- (7) A recreational vehicle may not be parked on a public street more than once in any seven (7) day period. A recreational vehicle may not be parked on a public street for a period exceeding twenty-four (24) continuous hours unless a permit has been issued pursuant to Section 6-309.

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- (8) At no time shall a stored or parked recreational vehicle be used for living, sleeping, housekeeping or other purpose. No recreational vehicle shall be connected to gas, water or sanitary sewer service.
- (9) A recreational vehicle shall not be stored or parked in a manner so as to create a dangerous or unsafe condition. Parking or storage in such a fashion that the recreational vehicle may readily tip or roll, shall be considered a dangerous or unsafe condition.
- (10) A recreational vehicle shall not have its wheels removed. A recreational vehicle shall not be affixed or anchored to the ground so as to prevent ready removal of the vehicle.
- (11) A recreational vehicle shall not be used as an accessory structure.
- (12) No repairs or maintenance work other than routine maintenance not involving the dismantling of any part of the vehicle shall be performed on any recreational vehicle except within a totally enclosed structure or garage. (Amended, Ord. 96-15, Sec. 1, 5-16-96)

### **Sec. 6-309. Permits for parking recreational vehicles in residential areas.**

The Police Department is hereby authorized to issue written parking permits which will allow a recreational vehicle which is not registered to an owner or lessee residing within the Village of Fox River Grove to be parked on a street located within a residential zoning district as established by the Village of Fox River Grove Zoning Ordinance for a period of not more than seven (7) consecutive days. No such parking permit may be issued for the same recreational vehicle more than twice in any one twelve (12) month period. There shall be a fee of twenty-five (\$25.00) dollars for each such parking permit. The twenty-five (\$25.00) dollar permit fee must be paid at or prior to the time the parking permit is issued. A copy of the parking permit must be placed on the windshield of the recreational vehicle or on the top of the dashboard so it is readily visible through the windshield at all times the recreational vehicle is parked on a street within a residential zoning district. (Ord. No. 96-15, Sec. 2, 5-16-96; Ord. No. 15-08, Sec. 5, 5-7-15)

### **Sec. 6-310. Restrictions and prohibitions applicable to the storage and parking of boats and personal watercraft in residential zoning districts.**

The following restrictions and prohibitions shall apply to the storage and parking of boats and personal watercraft in all residential zoning districts established pursuant to the Zoning Ordinance of the Village of Fox River Grove:

- (1) The following restriction shall be applicable at all times to the storage of boats and personal watercraft on lots that border the Fox River.

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- (a) A boat or personal watercraft shall not be stored less than three (3) feet from a sidewalk nor within ten (10) feet of the pavement of a public street unless the boat or personal watercraft is stored within a totally enclosed structure or garage.
- (2) The following restriction shall be applicable to the storage of boats and personal watercraft on lots which do not border the Fox River.
  - (a) During the period from December 1 through the following March 31, a boat or personal watercraft shall not be stored in the required front yard of a lot as defined in the Village of Fox River Grove Zoning Ordinance unless the boat or personal watercraft is parked or stored within a totally enclosed structure or garage.
  - (b) During the period from April 1 through the following November 30, a boat or personal watercraft shall not be stored in the required front yard of a lot as defined in the Village of Fox River Grove Zoning Ordinance unless the boat or personal watercraft is stored on a driveway and there is a minimum of three (3) feet from a sidewalk or ten (10) feet from the pavement of a public street, unless the boat or personal watercraft is stored within a totally enclosed structure or garage. (Ord. No. 2003-26, Sec. 6, 7-17-2003, Ord. No. 15-08, Sec. 5, 5-7-15)

### **Sec. 6-311. Restrictions and prohibitions applicable to the storage of movable containers in all Zoning Districts.**

The following restrictions and prohibitions shall apply to the storage of movable containers in all zoning districts established pursuant to the Zoning Ordinance of the Village of Fox River Grove:

- (1) The term movable container shall mean any dumpster, storage container or other bulk container for storage or refuse disposal as defined by the Code of Ordinances of the Village of Fox River Grove.
- (2) A movable container shall not be stored less than three (3) feet from a sidewalk, within ten (10) feet of the pavement of a public street or within eight (8) feet of a lot line as defined in the Village of Fox River Grove Zoning Ordinance.
- (3) No movable container shall exceed eight (8) feet in height.
- (4) A movable container shall not be stored so as to prevent a driver of a vehicle at an intersection from seeing motor and other vehicles on the cross or intersecting street in either direction for a distance of not less than line of one hundred forty (140) feet when such driver is either stopped at a stop sign or, if there is no stop sign at the intersection, when the driver is within ten (10) feet of an intersection.
- (5) A movable container shall not be stored unless it is stored on a concrete, asphalt, crushed

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stone, or equivalent hard surface.

- (6) A movable container shall not be stored on that part of a lot which is part of a required side yard under the Village of Fox River Grove Zoning Ordinance or within eight (8) feet of a lot line. A movable container may be stored within the front yard of a lot as defined in the Village of Fox River Grove Zoning Ordinance only if it is stored on a driveway with a hard surface as described within this Section.
- (7) A movable container shall not be stored in a manner so as to create a dangerous or unsafe condition. Storage in such a fashion that the movable container may readily tip shall be considered a dangerous or unsafe condition.
- (8) A movable container may be stored for up to fourteen (14) consecutive days once per calendar year. If more time is needed, the Office of Building and Zoning may allow for additional time up to a maximum of three (3) additional fourteen (14) day time periods per calendar year. A property owner must obtain written permission in advance from the Office of Building and Zoning for any time extensions. This time limit does not apply to continuously active construction projects.
- (9) Movable containers for the construction of a new building or renovation of an existing building may remain on the property through the duration of the construction or renovation only if a valid building permit is issued for the construction or renovation and providing the work on the project is active and continuous.
- (10) Movable containers shall not be occupied for lodging or dwelling purposes on any lot.
- (11) Movable containers shall not be permitted in any district as an accessory building. (Ord. 15-08, Sec. 5, 4-7-15)

### ARTICLE XIII. VACANT COMMERCIAL BUILDINGS

#### **Sec. 6-400. Declaration of policy.**

The purpose of this article is to protect the public health, safety, and welfare by enactment of this article which:

- (a) Determines the responsibilities of owners of vacant buildings; and
- (b) This article shall be liberally construed to affect its purposes.

#### **Sec. 6-401. Other ordinances.**

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This article shall not be construed to prevent the enforcement of other applicable ordinances, codes, legislation, and regulations which prescribe standards other than are provided herein. When a provision of this chapter conflicts with any other provision of the code regulating the same subject matter, the more stringent or restrictive provision shall apply.

### **Sec. 6-402. Definitions.**

Unless otherwise expressly stated or clearly indicated by the context, the following terms shall, for the purpose of this chapter, have the meanings indicated in this section:

**EVIDENCE OF VACANCY:** Any condition that on its own or combined with other conditions present would lead a reasonable person to believe that the property is vacant. Such conditions include, but are not limited to the following:

- (1) Substantially all lawful business activity has ceased.
- (2) The percentage of the overall square footage of occupied to unoccupied space or the overall number of occupied and unoccupied units.
- (3) The building is substantially devoid of contents.
- (4) The condition and value of fixtures or personal property in the building.
- (5) Lack of utility services

**OWNER:** Any person, agent, operator, firm, corporation, limited liability company, partnership, joint venture, land trust, intervivos trust, or other entity having a legal or equitable interest in a 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, but not limited to, the guardian of the estate of any such person if ordered to take possession of real property by a court, the executor or administrator of the estate of any such person if authorized by statute or ordered to take possession of real property by a court, or any person maintaining, operating or collecting rent with respect to a property.

**PERSON:** Includes a corporation, a partnership, a limited liability company, a joint venture, or other entity as well as an individual.

**PREMISES:** A lot, plot or parcel of land including any structures thereon.

**UNOCCUPIED BUILDING:** Any business, industrial, retail, or commercial building, or portion thereof, which is vacant and lacks the habitual presence of human beings who have a legal right to be on the premises, including buildings ordered vacated by the Village pursuant to authority granted to

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it by this code.

In determining whether a building is “unoccupied,” the Village may consider these factors, among others:

- (1) A building at which substantially all lawful business activity has ceased.
- (2) The percentage of the overall square footage of occupied to unoccupied space or the overall number of occupied and unoccupied units.
- (3) The building is substantially devoid of contents. The condition and value of fixtures or personal property in the building are relevant to this determination.
- (4) The building lacks utility services.
- (5) The building is the subject of a foreclosure action.
- (6) The building is not actively for sale as part of a contractual agreement to sell the building, and lacks “For Sale”, “For Rent” or similar signage.
- (7) The presence or recurrence of uncorrected code violations.

**VACANT BUILDING:** Any business, industrial, retail, or commercial building, or portion thereof which is:

- (1) Unoccupied and unsecured; or
- (2) Unoccupied and secured by boarding or other similar means for more than thirty (30) days; or
- (3) Unoccupied and a dangerous structure; or
- (4) Unoccupied as a result of having been declared unsafe for occupancy by the Village pursuant to applicable law; or
- (5) Unoccupied and having multiple violations of the Village Code; or
- (6) Unoccupied and the building or its premises have been the site of unlawful activity within the previous six (6) months; or
- (7) Condemned or declared unsafe for occupancy by the Village and unlawfully occupied; or

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- (8) Unoccupied for over ninety (90) days and during which time the Village has issued an order to correct public nuisance conditions and the same have not been corrected in a code compliant manner; or
- (9) Unoccupied and the subject of either pending mortgage foreclosure proceedings or mortgage foreclosure proceedings that have been completed within the past two (2) years and the building has not since been reoccupied; or
- (10) Unoccupied for over one (1) year;

But not including an:

Unoccupied building: (1) which is undergoing construction, renovation, or rehabilitation and which is in compliance with all applicable ordinances, codes, legislation, and regulations, and for which a building permit has issued therefor, and for which construction, renovation or rehabilitation is proceeding diligently to completion; or (2) which is unoccupied as a result of the owner who is a member of the military and is deployed for military service and is otherwise secure; or (3) which is secure but is the subject of a probate action, action to quiet title or other ownership dispute, but a foreclosure is not considered an ownership dispute; or (4) which is occupied only on a seasonal basis and is otherwise secure and in substantial compliance with all applicable codes, regulations and laws.

### **Sec. 6-403. Vacant building determination.**

- (a) The Village may evaluate buildings believed to be unoccupied by means of any lawful inspection and based on evidence of vacancy factors and make a determination as to whether the building is a “vacant building” as defined by this article. For the purposes of conducting this evaluation, the Village is authorized to enter upon any and all premises and within any and all unsecured structures. For buildings the Village determines to be “vacant buildings,” it shall promptly send notice of the determination to the property owner of record.
- (b) Unless waived by the Village for good cause, the notice shall specify a date and time upon which the owner shall allow for a code compliance inspection of the interior of all “vacant buildings” to determine the extent of any compliance with Village property maintenance, building, zoning, and any other relevant codes.
- (c) If the Village requests a code compliance inspection of the interior of the building at the time it issues the notice of determination, the Village shall set a tentative date and time for the code compliance inspection of the interior of the vacant building. After receipt of the notice of determination that includes a tentative walk-through inspection date, if the owner does not appeal the determination, the owner shall either confirm the tentative date for the inspection or shall schedule a new date and time for same. If the owner fails to confirm the tentative date and time for the inspection or refuses to schedule or permit the inspection within a

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reasonable time, the Village may obtain an administrative search warrant to accomplish the inspection.

### **Sec. 6-404. Vacant building care requirements**

- (a) All premises upon which unoccupied or vacant buildings are located shall at all times be maintained in compliance with the Village Code and Zoning Code including, but not limited to, the following:
  - (1) Interior: All interior structures shall be maintained in a clean, safe, secure and sanitary condition. Special attention shall be made to utilities. Winterization of structures shall be completed as necessary.
  - (2) Exterior: All exterior structures and property shall be maintained and kept free of items that give the appearance that the property is abandoned, including, but not limited to, overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers and/or mail, past due utility notices and/or disconnected utilities, or the accumulation of junk or debris.
- (b) All ground floor windows facing street frontage, including, but not limited to, all display windows in unoccupied or vacant commercial buildings shall be kept in a well maintained and clean condition and shall be covered on the interior side in a professionally finished manner with an opaque window covering material (adhered to the interior surface of the window) manufactured for that purpose and approved by the Village, or in the case of display windows, such windows shall be kept in a well maintained and clean condition and the display area shall be enclosed with a professionally finished backdrop, floor, side walls and ceiling all of which shall be kept in a well maintained and clean condition and shall be well lighted from ten o'clock (10:00) A.M. to ten o'clock (10:00) P.M. each day unless waived by the Village. Photographs, paintings and other works of art or other tasteful forms of decoration may be professionally displayed in these properly enclosed clear glass display windows. If opaque window covering material is used, a one foot by one foot (1' x 1') clear glass opening through which the interior space is clearly visible shall be maintained at standing eye level along one edge of one such window.

### **Sec. 6-405. Penalty**

Any person found to have violated any provision of this article may be subject to a fine of one hundred (\$100.00) dollars per day per violation to a maximum of seven hundred fifty (\$750.00) dollars per day per violation.

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### **Sec. 6-406. Severability**

Any term or provision of this Ordinance which is invalid or unenforceable shall be ineffective to the extent of such invalidity or unenforceability without rendering invalid or unenforceable the remaining terms or provisions of this Ordinance or affecting the validity or enforceability of any of the terms or provisions of this Ordinance. (Ord. 2016-04, Sec. 1, 2-18-16)