



## MEMORANDUM

**TO:** David A. Hulseberg, Village Manager

**FROM:** William Heniff, AICP, Director of Community Development

**DATE:** March 18, 2010

**SUBJECT: BOBA Recommendation – Text Amendments to the Building Code;  
Residential Energy Code – Window Permitting**

At the February 4, 2010 Village Board meeting, the Board adopted amendments to the local building code regulations (Chapter 150 of the Village Code) referencing the mandates set forth within the state Energy Efficient Commercial Building Act (Public Act 96-0778). The Act established energy code provisions for residential buildings, in addition to structures previously regulated through the code. Municipalities are obligated to enforce the provisions set forth within the Act and municipalities cannot establish regulations that are more restrictive or less restrictive than those provisions set forth in the Act, unless those provisions were established prior to the new state regulations.

As of February 1, 2010, the Illinois Capitol Development Board adopted the rules making the Act and its provisions fully effective. Within the Act are provisions mandating compliance with the 2009 International Energy Conservation Code (IECC) provisions, including ensuring that new or replacement windows meet energy code provisions. Village staff raised concerns about the Act and whether it would necessitate regulation of replacement windows. Historically, the window issue has been an issue of jurisdictional choice following the general provision of “if it fits into the same opening, then you do not need to obtain a building permit.” Where the new window size is different than the size of the opening, a permit application is required.

However, with the onset of energy efficiency requirements for residential buildings, all window replacements will require a permit in accordance with the 2009 IECC. Jurisdictions subject to the Act, such as Lombard, will be using the 2009 IECC to perform compliance assessment to the 2009 IECC, and thereby to inspect and verify fenestration thermal performance (U-factor, Solar Heat Gain Coefficient and Air Leakage) for residences. For the Village inspection staff, this activity will consist of reviewing the installed exterior windows to ensure that the U-factor is 0.35 or less (better). This data is commonly labeled on the window sheet attached to the window prior to installation.

Based upon this mandate, staff has prepared the attached ordinance for Village Board consideration. The ordinance identifies the need for a permit for new or replacement exterior windows. The amendment also sets forth a fee of \$41.00 (plus the administrative fee of \$20.00), totaling \$61.00 for the permit. The fee also recognizes that Village inspection staff will be required to inspect the window replacement to ensure compliance with the Act. The proposed fee is the lowest fee level established to cover the costs of the permit issuance and inspection.

Permits will be applied for by either the property owner or contractor and issued over the counter at the Village Hall. At the time of permit issuance, applicants will be informed of the requirement and upon installation completion, staff will verify compliance. Staff will provide additional documentation for affected parties regarding the regulations and will create an outreach effort to businesses and the public.

**ACTION REQUESTED**

Please place this item on the March 18, 2010 Village Board agenda for consideration and approval. Staff recommends approval of the attached text amendments to Section 150: Building Code to establish permitting provisions and fees for windows as mandated by the Energy Efficient Commercial Building Act.