

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

Resolution or Ordinance (Blue) _____
Waiver of First Requested
Recommendations of Boards, Commissions & Committees (Green) _____
Other Business (Pink) _____

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Huliseberg, Village Manager *dash*

DATE: March 10, 2010 (B of T) Date: March 18, 2010

TITLE: Title 15, Chapter 150 of the Code of Lombard - Exterior Window Permit Replacement

SUBMITTED BY: Department of Community Development *MD*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration an ordinance approving text amendments to the Lombard Building Code Title 15, Chapter 150 of the Code of Lombard relative to establishing permitting provisions and fees for windows as mandated by the Energy Efficient Commercial Building Act

Staff recommends approval of the amendments.

Please place this item on the March 18, 2010 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X

Finance Director X

Village Manager X

David A. Huliseberg

Date _____

Date _____

Date _____

3/10/10

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon.

Wednesday, prior to the Agenda Distribution.



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.

ORDINANCE

**AN ORDINANCE APPROVING TEXT AMENDMENTS
TO THE LOMBARD BUILDING CODE
TITLE 15, CHAPTER 150 OF THE CODE OF LOMBARD, ILLINOIS**

(Exterior Window Permit Requirement)

WHEREAS, the Village of Lombard maintains a Building Code which is found in Title 15, Chapter 150 of the Code of Lombard, Illinois; and,

WHEREAS, the Board of Trustees deem it reasonable to periodically review said Building Code and make necessary changes; and

WHEREAS, the Board of Trustees recognize that Public Act 96-0778, signed into law on August 28, 2009 by the State of Illinois, amended the Energy Efficient Commercial Building Act to incorporate energy efficient regulations for residential construction activity; and

WHEREAS, the Act mandates compliance by municipalities and would be applicable to new residential construction, selected modifications and additions to such structures; and

WHEREAS, the Act includes provisions to require new and replacement windows to meet the energy efficiency provisions set forth within the Act; and

WHEREAS, the Act also places the responsibility on permitting entities to require compliance with all provisions set forth with the Act.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That Title 15, Chapter 140, Section 150.140(A), of the Code of Lombard, Illinois is hereby amended to read in part, as follows:

§ 150.140 PERMIT REQUIRED FOR ERECTION, REPAIR, OR DEMOLITION OF ANY BUILDING OR STRUCTURE; EXCEPTIONS.

(A) It shall be unlawful to proceed with the erection, enlargement, alteration, repair, removal, or demolition of any building, structure and associated electrical, plumbing and HVAC systems including fire suppression or detection work or any structural part thereof, installation of

new or replacement of exterior windows or to construct or hard surface a driveway or parking lot within the village unless a permit therefor shall have first been obtained from the Community Development Director or his/her designee. Such permit shall be posted in a conspicuous place upon the exterior of the premises for which it is issued, and shall remain so posted at all times until the work is completed and approved. Starting any work prior to the issuance of a required permit shall be cause to double the permit fee that is pertinent to the work that was started. Roof repair or replacement constituting less than 25% of the total roof area shall not require a village building permit.

SECTION 2: That Title 15, Chapter 141, Section 150.141(C), of the Code of Lombard, Illinois is hereby amended to read in part, as follows:

§ 150.141 PERMIT FEES.

(C) ADDITIONS, ALTERATIONS, REPAIRS AND REMODELING (INCLUDING EXTERIOR WINDOWS). Fees shall be based on construction valuations from:

Roofing-single family and two family dwelling - \$52.00
Installation of new or replacement of exterior windows - \$41.00

Single Family and Two Family Dwelling

\$25 to 500 \$41.00
\$501 to 1,000 \$57.00
\$1,001 to 2,500 \$70.00
\$2,501 to 5,000 \$86.00

For each \$1,000 or fraction thereof in excess of \$5,000, the fee shall be \$5.40 per \$1,000 of cost.

Commercial/Industrial/Multi-Family

\$25 to 500 \$53.00
\$501 to 1,000 \$74.00
\$1,001 to 2,500 \$89.00
\$2,501 to 5,000 \$110.00

For each \$1,000 or fraction thereof in excess of \$5,000, the fee shall be \$7.00 per \$1,000 of cost.

SECTION 3: That this ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2010.

First reading waived by action of the Board of Trustees this _____ day of _____, 2010.

Passed on second reading this _____ day of _____, 2010.

Ayes: _____

Nays: _____

Absent: _____

Approved this _____ day of _____, 2010.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this _____ day of _____, 2010.

Brigitte O'Brien, Village Clerk