




MEMORANDUM

TO: Board of Building Appeals (BOBA) Members

FROM: William J. Heniff, AICP, Community Development Director 

MEETING DATE: November 4, 2020

SUBJECT: **Text Amendments to Chapters 220 through 247 Certificates of Occupancy**

Associated with a code enforcement matter and a pending companion Certificate of Occupancy, Village staff and Counsel recognized that various code provisions pertaining to Certificates of Occupancy, which were last amended in 1982, did not properly processes currently undertaken by the Village. To that end, Counsel recommended that Code provisions should align with such processes and the language that is offered to applicants associated with by Certificate process.

Attached is the draft amendment language, which can be summarized as follows:

1. The applicable Chapters related to Occupancies and Partial (and Conditional) Certificates of Occupancies were rewritten;
2. Provisions for Conditional Certificates and/or Partial Certificates are added or properly codified;
3. Township notification processes are amended;
4. Items that are duplicative with other reference provisions of Village Code are amended or eliminated; and
5. The corresponding Certificate of Occupancy issuance fees are amended as they had not been amended since 2004 and did not reflect the Administrative Certificate of Occupancy option.

Proposed Text Amendments to Section 155.220 et. al.

ARTICLE XXI. - OCCUPANCY

§ 150.220 - Occupancy of buildings.

- (A) The Community Development Director and Fire Chief, or their designees, shall determine that any building under construction shall be completed in a manner as described hereinafter before any occupancy whatsoever shall be permitted whether whole or in part.
- (B) A Certificate of Occupancy permit is required whenever principal building or structure is initially constructed or an expansion or alteration to a non-residential principal building or structure is completed. A Certificate of Occupancy permit shall be issued to an applicant who has complied with all of the applicable building, health, subdivision, zoning, and any other local ordinance of the village or laws of the state. A Certificate of Occupancy/Zoning Certificate permit shall be required when the use, owner or occupant of a non-residential building changes, irrespective of whether a building permit is associated with the proposed change or not.
- (C) A Conditional Certificate of Occupancy permit for partial occupancy of the building is also required whenever any building or structure is determined to be safe and habitable but may not meet all provisions of Village Code due to weather conditions, an established phasing or stocking plan, or other minor conditions, as determined by the Village, that warrants such a Conditional Certificate of Occupancy issuance. Due to architectural characteristics and design it may be required that additional protection and fire separation shall be proved for the health, safety, and welfare of the occupants before any partial occupancy is permitted. In such cases, said applicant, upon a showing that the building is safe for occupancy, may set up an escrow account with the Village wherein sufficient funds, as determined by the Village, are deposited to guarantee that the building or site shall be completed in compliance with Village Code or laws of the State.
- (D) A Certificate of Occupancy or Conditional Certificate of Occupancy shall be signed by the Fire Chief or his/her designee and the Community Development Director or his/her designee. No building or structure or any part thereof shall be used or occupied until a Certificate of Occupancy or Conditional Certificate of Occupancy has been issued by the Community Development Director and Fire Chief or their designees. They shall jointly issue such certificate only if, after inspection, he/she finds that such building or structure complies with the provisions of this title and all other laws of the Village and the State of Illinois, and that said building or structure has been completed in accordance with the approved plans and documents filed in support of the approved Building Permit relating to said building or structure. Such Certificates shall also identify the permitted use for the building or structure.

- (E) "As built" plans and drawings of any new commercial construction, additions and interior alterations in an electronic format compatible with Village electronic data storage systems shall be required to be submitted to the Community Development Department when the project is completed and approved by the Community Development and Fire Departments.
- (F) Prior to or concurrent with the issuance of any Certificate of Occupancy permit, the Community Development Director of the Village shall make said Certificates, along with any companion approved plans and documentation available to the respective Township Assessor for the purpose of determining any impacts a development may have on the property assessment.
- (G) The cost for a Certificate of Occupancy or a Zoning Certificate shall be as follows, effective January 1, 2021.
 - 1) Single Family Residences/Multi-Family Dwellings
 - a) Conditional Certificate of Occupancy: \$125.00
 - b) Final Certificate of Occupancy: \$100.00
 - 2) Commercial, Industrial, Assembly
 - a) Conditional Certificate of Occupancy: \$150.00
 - b) Final Certificate of Occupancy: \$125.00
 - c) Administrative Fee (only applies to ownership changes and other form changes that do not warrant an inspection): \$50

§ 150.221 - Exterior of building.

- (A) The exterior of the building shall be complete in every detail, including roof, gutters, downspouts, glazing, painting and masonry cleaning, and any other work that will require the use of cranes, ladders, and scaffolds shall be completed.
- (B) Where work is to continue on buildings over five stories an exterior lift may be used to transport building materials to the higher floors and additional protection shall be provided not only at the base of the lift but on each floor it vertically services.

§ 150.222 - Grading.

Grading will be completed with the exception of final landscaping. All rubbish and excess building material shall be removed from the site. Each day that rubbish or excess building material shall remain on the site shall constitute a separate violation of this section.

§ 150.223 - Sidewalks to be in place.

All sidewalks shall be in place as necessary to provide adequate ingress and egress.

§ 150.224 - Stairways.

Stairway doors leading to unfinished floors shall be installed and provided with a locking device or hardware so as not to permit trespassing except authorized workers and shall be locked at the close of each working day.

§ 150.225 - Entrance doorway; front and rear.

All entrance areas shall be illuminated and maintained.

§ 150.226 - Hallways and corridors.

All hallways shall be maintained in the same manner as stairways, including emergency lighting and alarm boxes if required.

§ 150.227 - Fire protection.

A) Sprinkler systems need not be completed and charged in the entire building if the below criteria have been met and approved by the Fire Prevention Bureau:

- (1) The building is a one-story building.
- (2) The sprinkler system is installed and fully operable in all occupied portions.
- (3) At least two sides of the unsprinklered space must be exterior walls or one exterior wall with not more than 100 feet of unsprinklered depth.
- (4) The unsprinklered space must have external access and at least 15 feet external clearance.
- (5) Storage or any type of use will not be permitted in the unsprinklered space.
- (6) The Fire Department may require the installation of temporary fire protection during construction in an unsprinklered space.

§ 150.228 - Heating and air-conditioning.

- A) All heating units shall be installed and completed in working condition, including air-conditioning if supplied.
- B) In the event building is supplied by a central unit for heating or air-conditioning it shall be so installed to permit extension to the system without interrupting the service to all previous occupancies.

§ 150.229 - Plumbing services.

- A) Water service.
 - 1) Any and all water meters shall be installed before any occupancy.
 - 2) Valves must be installed so service to occupied areas will not be interrupted upon extension of service to additional units.
 - 3) Hot water service must be completed.
 - 4) All applicable fees and deposits as set forth in Chapter 51, shall be paid before any occupancy is permitted.
- B) Sanitary sewer. Main vent stack must be completed through roof. All open closet bends, kitchen, lavatories, and shower and tub drains will be sealed to prevent spread of sewer gas.
- C) Gas service. Shut-off valves will be supplied in place for each appliance and service when extended will be installed in the same manner as for water.

§ 150.230 - Electrical wiring and fixtures.

- (A) All wiring shall be pulled with splices intact along with switches and receptacles mounted with cover plates on each occupied floor.
- (B) Electrical panels will be completely wired on each occupied floor and circuits properly identified with proper over current protection.
- (C) Electrical panels located in distribution areas will be covered except when attended by electricians during working hours.
- (D) Where lighting fixtures are not installed prior to occupancy, lighting will be supplied by installing a keyless receptacle.
- (E) Any portion of an open circuit which can be energized by throwing a switch will not be permitted.

§ 150.231 - Occupied floors.

- A) All unoccupied dwelling units on a floor to be occupied shall be substantially completed, with the exception where a tenant or owner are given the option as to choice of ceramic tile, floor coverings, kitchen and vanity tops, and special lighting fixtures.
- B) Any unit to be occupied within the approved floor shall be complete in every detail and subject to final inspection before occupancy.

§ 150.232 - Elevators.

- A) No single passenger elevator will be used to transport material and workers above the occupied level of a building under construction.
- B) The passenger elevator shall be so installed to provide floor stops at each subsequent approved occupied floor only.
- C) If more than one elevator is installed a sign shall specifically identify the passenger elevator at each occupied floor and the elevator used for material handling shall be isolated and capable of being locked at the close of the each working day.

§ 150.233 - Balconies or terraces.

All open balconies and terraces shall be complete with permanent protective railings as submitted on approved plans.

§ 150.234 - Screens.

Screens shall be provided on each window or exterior door opening for multi-family dwelling units.

§ 150.235 - Parking.

Parking areas and spaces shall be paved, striped and illuminated as required by Section 155.600 et. seq. of Village Code.

§ 150.245 RESERVED

§ 150.246 RESERVED.

§ 150.247 - Building and occupancy of accessory buildings prohibited; exceptions.

It is unlawful to commence the construction of a garage, or other accessory building on residential premises in the village prior to the construction of a dwelling house on such premises; provided, that the erection of such dwelling and accessory building may be done at the same time.

§ 150.999 - Penalty.

Any person who shall violate any of the provisions of Chapter 150 or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken or who shall fail to comply with an order as affirmed or modified by the Village President and Board of Trustees, or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not more than \$750.00. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time, not to exceed 30 days, or as agreed upon by all parties concerned; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense. The application of this penalty shall not be held to prevent the enforced removal of prohibited conditions.