

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE: July 12, 2016 (B of T) Date: July 21, 2016

TITLE: Board of Building Appeals (BOBA) and Electrical Commission Analysis

SUBMITTED BY: Department of Community Development *ll*

BACKGROUND/POLICY IMPLICATIONS:

Your Economic and Community Development Committee submits for your consideration its recommendation on the above referenced petition. The ECDC recommends approval of an ordinance to repeal the Electrical Commission Ordinance of Title III, Chapter 32, Article V, Sections 32.065 through 32.068 of the Village of Lombard's Code of Ordinances.

The request was unanimously recommended for approval by the Economic and Community Development Committee at its June 13, 2016 meeting.

Staff recommends a waiver of first reading of the ordinance.

Fiscal Impact/Funding Source:

Review (as necessary):  
Village Attorney X \_\_\_\_\_ Date \_\_\_\_\_

Finance Director X \_\_\_\_\_ Date \_\_\_\_\_

Village Manager X \_\_\_\_\_ Date \_\_\_\_\_



## MEMORANDUM

**TO:** Scott R. Niehaus, Village Manager

**FROM:** William J. Heniff, AICP, Director of Community Development *WH*

**DATE:** July 21, 2016

**SUBJECT: Amendments to Village Code: Chapter 32  
Repeal Electrical Commission/Merge With Board of Building Appeals**

At the June 13, 2015 meeting of the Economic and Community Development Committee (ECDC), staff introduced a code amendment which if adopted would ultimately dissolve the Electrical Commission and have all the past functions of the Commission considered exclusively by BOBA. As the ECDC is the oversight committee for Community Development, this matter is being brought forward to this Committee prior to final consideration by the full Village Board.

Staff discussed the purpose and intent of the amendment as set forth more fully within the attached report. Through this presentation, the ECDC unanimously recommended approval of the amendment and the matter is being brought forward to the Village Board for final consideration.

For reference purposes, the existing BOBA members were informed of this proposed change. Additionally, staff did contact the Electrical Commission (1 existing member and 1 member whose term is expiring and did not intend on renewing). No comments or objections were offered to the code and process change.

### **ACTION REQUESTED**

Please place this item on the July 21, 2016 Village Board agenda. The ECDC recommends the Village Board of Trustees to repeal the Electrical Commission Ordinance of Title III, Chapter 32, Sections 32.065 through 32.068 of the Village of Lombard's Code of Ordinances. As a meeting of BOBA is anticipated to be scheduled this summer and staff would like to engage BOBA on their additional responsibilities at their next meeting, staff seeks a waiver of first reading of the ordinance.



## MEMORANDUM

**TO:** Trustee Bill Johnston, Chairperson  
Economic and Community Development Committee

**FROM:** William J. Heniff, AICP, Director of Community Development *WJH*

**DATE:** June 13, 2016

**SUBJECT: Board of Building Appeals (BOBA) and Electrical Commission Analysis**

Staff reviews the municipal code from time to time for accuracy and relevance. In this review, it became apparent that the Board of Building Appeals (BOBA) and the Electrical Commission is charged with nearly identical objectives and requirements. Staff is introducing code amendments that would ultimately dissolve the Electrical Commission and have all the past functions of the Commission considered exclusively by BOBA. As the ECDC is the oversight committee for Community Development action, this matter is being brought forward to this Committee prior to final consideration by the full Village Board.

For reference purposes, the authorization language for the Electrical Commission and BOBA are attached as Appendix A.

### **ELECTRICAL COMMISSION**

The Commission has the power and duty to prepare and recommend safe and practical standards and specifications for the installation, alteration and use of electrical equipment in addition to reasonable rules and regulations governing the issuance of permits by staff. The enforcement of these regulations pertaining to electrical equipment is currently administered by Building Division staff.

Between the time period of 1993 and 2010, the Electrical Commission did not convene a meeting in order to consider an amendment or issue and has met only three times since then. In 2010, the Commission convened to recommend the adoption of the update to the 2008 version of the National Electrical Code (NEC) from the 1990 version (Ordinance 6522). In 2013, the Commission approved selected local amendments (Ordinance 6832). In 2015, the Commission recommended approval to adopt the current (2011) version of the National Electrical Code.

### **Board of Building Appeals (BOBA)**

BOBA has the power and duty to prepare and recommend to the President and Board of Trustees:

1. changes or amendments to the Building Code deemed necessary for the proper development of the village,

2. appeals regarding any clarification or interpretation of the provisions of the Building Code concerning materials, methods, systems, or arrangement of materials for construction, and
3. recommend the adaptability or safety of any building materials, methods, or arrangements of materials not provided for in the Building Code and which have not been previously approved for use with the exception of specifically prohibited provisions.

BOBA met at nine times since 2009 to consider a number of pending building code amendments or other matters under their jurisdiction, including:

- 2015: Two meetings were held to discuss and recommend approval of an update to the Village Code with the 2012 International Building Code, new plumbing code provisions in addition to field technology enhancements public outreach efforts.
- 2014: Three meetings were held to consider code amendments for patio permits and the fee schedule in addition to an appeal of a condemnation notice associated with the property at 210 S. Berkshire Avenue.
- 2013: A meeting to consider amendments to the Building Code.
- 2012: A meeting to discuss and recommend approval of proposed amendments to the Building Code and the Fire Life Safety Code.
- 2011: A meeting to discuss and recommend approval of proposed amendments to the Building Code in addition to specific amendments for roof inspections and parking structure inspections.
- 2009: A meeting to review and recommend approval to adopt the State of Illinois mandated Residential Energy Code and to discuss possible 2010 code amendments and video gaming.

### **BENEFITS OF COMBINING THE COMMISSION AND BOARD**

Currently only one of the positions is currently filled, so this is an appropriate time to consider such a review of the need for the Electrical Commission. Staff has found that the ability to find qualified candidates with the inclination to volunteer to be challenging.

The duties and responsibilities of the Electrical Commission and BOBA are duplicated in that BOBA currently reviews and makes recommendations to the Village Board concerning code amendments and appeals. However, since the Electrical Commission was codified, past practice relegated the review of electrical related amendments and practices to them, even though the electrical code provisions are incorporated into the larger provisions of the Village Building Code (Chapter 150) under BOBA jurisdiction.

Since one of the BOBA members must be and is an electrician and the current BOBA composition includes a second member who is also employed as an electrical and generator

contractor, their ability to complete their assigned mission of recommending safe and proper construction practices and code provisions will not be an issue. Furthermore, through the Building Official, the two part-time electrical inspectors and the Fire Marshal, sufficient technical resources will be available to address any possible concerns. Staff finds that combining the Electrical Commission with BOBA would be a more efficient use of resources and recommends that the Electrical Commission's authority be repealed and all electrical related issues be solely considered by BOBA.

With the infrequency that the Electrical Commission has been needed indicates that adding items to BOBA's future meeting agendas would not be burdensome. It also would provide a more holistic approach to construction that has been advanced by both elected officials and the public.

**ACTION REQUESTED**

Staff is seeking a recommendation from the ECDC to the Village Board of Trustees to repeal the Electrical Commission Ordinance of Title III, Chapter 32, Article V, Sections 32.065 through 32.068 of the Village of Lombard's Code of Ordinances.

**APPENDIX A: RELEVANT SECTIONS OF EXISTING CODE**

**ARTICLE II. - BOARD OF BUILDING APPEALS**

§ 32.020 - Created; qualifications; term.

(A) There is created a Board of Building Appeals which shall consist of five members who shall be appointed pursuant to the provisions of this subchapter by the President with the advice and consent of the Board of Trustees of the village.

(B) Members of the Board shall be chosen on the basis of their experience in one or more of the following occupations:

(1) State of Illinois licensed engineer or architect.

(2) Builder or person employed in the building construction trade.

(3) Plumber.

(4) Electrician.

(C) Appointments shall be for a term of three years, and each member so appointed shall be a resident of the village. ('70 Code, § 2.32.010) (Ord. 2575, passed 2-10-82)

§ 32.021 - Powers and duties.

The Board of Building Appeals shall have the following powers and duties:

(A) Prepare and recommend to the President and Board of Trustees of the village any changes or amendments to the Building Code deemed necessary for the proper development of the village.

(B) Hear appeals from decisions of the Community Development Director or Fire Chief or their designees regarding any clarification or interpretation of the provisions of the Building Code concerning materials, methods, systems, or arrangement of materials for construction permitted under the provisions of the Building Code, Fire Prevention Code and the Life Safety Code.

(C) Recommend the adaptability or safety of any building materials, methods, or arrangements of materials not provided for in the Building Code and which have not been previously approved for use to the Community Development Director or the Fire Chief or their designees; however, that nothing herein shall allow the Board of Building Appeals to approve any building materials, methods, or arrangements of materials specifically prohibited under the Building Code, Fire Prevention Code or the Life Safety Code.

## **ARTICLE V. - ELECTRICAL COMMISSION**

### **§ 32.065 - Created; membership.**

There is hereby created an Electrical Commission which shall consist of six members who shall reside in the village and who shall be appointed by the President with the advice and consent of the Board of Trustees as follows: Chief Electrical Inspector shall be a member and ex officio Chairperson of the Commission. Of the five remaining, a registered professional engineer, a representative of an inspectional bureau maintained by Fire Underwriters or the Chief of the Fire Department, an electrical contractor, a journey electrician, and a representative of an electrical supply company shall be appointed. If there is no person residing in the village qualified under one of the above descriptions, the President may appoint another person to fill the position with the advice and consent of the Board of Trustees. ('70 Code, § 2.33.010) (Ord. 2575, passed 2-10-82)

### **§ 32.066 - Powers.**

The Electrical Commission shall have the power and duty to prepare and recommend to the President and Board of Trustees of the village the following:

(A) Safe and practical standards and specifications for the installation, alteration, and use of electrical equipment designed to meet the necessities and conditions of the particular locality.

(B) Reasonable rules and regulations governing the issuance of permits by the Electrical Inspection Division.

(C) Reasonable fees for inspections by the Inspection Division of all electrical equipment installed or altered within the village. ('70 Code, § 2.33.020) (Ord. 2575, passed 2-10-82)

### **§ 32.067 - Term.**

Each member of the Electrical Commission shall be appointed for a four-year term. ('70 Code, § 2.33.030) (Ord. 2575, passed 2-10-82)

### **§ 32.068 - Inspection division.**

There is hereby created in the village an Electrical Inspection Division within the Building Division. Said Division shall be under the control of the Community Development Director. The Electrical Inspection shall consist of an Electrical Inspector and such personnel as may from time to time be required. The Electrical Inspector shall be appointed by the Village Manager, and shall be responsible for completing all electrical inspections and enforcing the provisions of the Electrical Code of the village. ('70 Code, § 2.33.040) (Ord. 2575, passed 2-10-82; Ord. 6372, passed 9/3/09)

**ORDINANCE \_\_\_\_\_**

**AN ORDINANCE REPEALING IN THEIR ENTIRETY  
TITLE 3, CHAPTER 32, SECTIONS 32.065, 32.066, 32.067 AND 32.068  
OF THE LOMBARD VILLAGE CODE**

Board of Building Appeals and Electrical Commission

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 32, Sections 32.065, 32.066, 32.067 and 32.068 of the Lombard Village Code is hereby repealed in their entirety.

**SECTION 2:** That with the elimination of the Electrical Commission as set forth in Section 1 above, the authority to ensure the safe and practical standards and specifications for the installation, alteration, and use of electrical equipment and the review and consideration of reasonable rules and regulations governing the issuance of building permits by the Building Division of the Community Development Department shall be under the sole authority of the Board of Building Appeals, as currently set forth within Section 32.020 et. seq. of the Village Code.

**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 \_\_\_\_\_, 2016.

First reading waived by action of the Board of Trustees this \_\_\_\_ day of \_\_\_\_\_, 2016.

Passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2016.

Ayes: \_\_\_\_\_



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

Re: PC 14-18

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Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Keith T. Giagnorio, Village President

ATTEST:

\_\_\_\_\_  
Sharon Kuderna, Village Clerk

Published in pamphlet from this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Sharon Kuderna, Village Clerk