

BUILDING AND FIRE CODES



OVERVIEW

- CITY AUTHORITY
- STATE MINIMUM OR MANDATED CODES
- CURRENT CITY CODE
- REVIEW – GOALS AND OUTCOMES
- REVIEW – PROCESS
- THE FUTURE
- NEXT STEPS

CITY'S AUTHORITY

ILL. CONST. ART. VII

...[M]UNICIPALITIES WHICH ARE NOT HOME RULE UNITS SHALL HAVE ONLY POWERS GRANTED TO THEM BY LAW AND THE POWERS

- (1) TO MAKE LOCAL IMPROVEMENTS BY SPECIAL ASSESSMENT AND TO EXERCISE THIS POWER JOINTLY WITH OTHER COUNTIES AND MUNICIPALITIES, AND OTHER CLASSES OF UNITS OF LOCAL GOVERNMENT HAVING THAT POWER ON THE EFFECTIVE DATE OF THIS CONSTITUTION UNLESS THAT POWER IS SUBSEQUENTLY DENIED BY LAW TO ANY SUCH OTHER UNITS OF LOCAL GOVERNMENT;
- (2) BY REFERENDUM, TO ADOPT, ALTER OR REPEAL THEIR FORMS OF GOVERNMENT PROVIDED BY LAW;
- (3) IN THE CASE OF MUNICIPALITIES, TO PROVIDE BY REFERENDUM FOR THEIR OFFICERS, MANNER OF SELECTION AND TERMS OF OFFICE; ... ;
- (5) TO INCUR DEBT EXCEPT AS LIMITED BY LAW AND EXCEPT THAT DEBT PAYABLE FROM AD VALOREM PROPERTY TAX RECEIPTS SHALL MATURE WITHIN 40 YEARS FROM THE TIME IT IS INCURRED; AND
- (6) TO LEVY OR IMPOSE ADDITIONAL TAXES UPON AREAS WITHIN THEIR BOUNDARIES IN THE MANNER PROVIDED BY LAW FOR THE PROVISION OF SPECIAL SERVICES TO THOSE AREAS AND FOR THE PAYMENT OF DEBT INCURRED IN ORDER TO PROVIDE THOSE SPECIAL SERVICES.

CITY'S AUTHORITY (CONT.)

- DILLON'S RULE
- THE CITY OF GENEVA IS NOT A HOME RULE UNIT AND THUS CAN EXERCISE ONLY THOSE POWERS EXPRESSLY DELEGATED BY THE GENERAL ASSEMBLY OR THOSE THAT ARISE BY NECESSARY IMPLICATION FROM EXPRESSLY DELEGATED POWERS. (ILL. CONST. 1970, ART. 7, SEC. 7; *752 ROSS V. CITY OF GENEVA (1978), 71 ILL.2D 27, 15 ILL.DEC. 658, 373 N.E.2D 1342.) ABSENT SUCH AUTHORITY, ITS ENACTMENTS ARE VOID.
- *GENEVA RESIDENTIAL ASS'N, LTD. V. CITY OF GENEVA*, 77 ILL. APP. 3D 744, 751–52 (2D DIST. 1979).

CITY'S AUTHORITY (CONT.)

- ILLINOIS MUNICIPAL CODE (65 ILCS 5/1-1-1 ET SEQ)
- ARTICLE II CORPORATE POWERS AND FUNCTIONS
- PUBLIC HEALTH, SAFETY AND WELFARE
 - FIRE PROTECTION
 - FIRE SAFETY REGULATIONS (65 ILCS 5/11-8-1 ET SEQ.)

CITY'S AUTHORITY (CONT.)

- ILLINOIS MUNICIPAL CODE (65 ILCS 5/1-1-1 ET SEQ)
- ARTICLE II CORPORATE POWERS AND FUNCTIONS
- PUBLIC HEALTH, SAFETY AND WELFARE FOOD, WATER, DISEASE, OTHER REGULATION
 - PROMOTION OF HEALTH (65 ILCS 5/11-20-5)
 - CUTTING AND REMOVAL OF NEGLECTED WEEDS, GRASS, TREES, AND BUSHES (65 ILCS 5/11-20-7)
 - PEST EXTERMINATION; LIENS (65 ILCS 5/11-20-8)
 - CISTERNS, CULVERTS, SEWERS (65 ILCS 5/11-20-10)
 - REMOVAL OF GARBAGE, DEBRIS, AND GRAFFITI (65 ILCS 5/11-20-13)

CITY'S AUTHORITY (CONT.)

- ILLINOIS MUNICIPAL CODE (65 ILCS 5/1-1-1 ET SEQ)
- ARTICLE II CORPORATE POWERS AND FUNCTIONS
- PUBLIC HEALTH, SAFETY, AND WELFARE
 - CONTROL OVER BUILDING AND CONSTRUCTION
 - DIVISION 30 GENERAL REGULATORY POWERS
 - DIVISION 31 UNSAFE PROPERTY
 - DIVISION 31.1 BUILDING CODE VIOLATIONS
 - DIVISION 32 REGULATION OF HEATING, AIR CONDITIONING AND REFRIGERATION
 - DIVISION 34 STEAM BOILER INSPECTION AND OPERATOR LICENSE

STATE MINIMUM OR MANDATED CODES

ILLINOIS PLUMBING LICENSE LAW (220 ILCS 320/I ET SEQ.)

- STATE PUBLIC POLICY – CITY ADOPT PLUMBING CODE (225 ILS 320/18(1))
- PLUMBING CODE MUST BE AS STRINGENT AS THE ILLINOIS PLUMBING CODE (225 ILCS 320/36)
- ILLINOIS PLUMBING CODE (77 ILL.ADMIN. CODE 890.110 ET SEQ.)

STATE MINIMUM OR MANDATED CODES (CONT.)

ILLINOIS ACCESSIBILITY CODE (410 ILCS 25/8)

- LOCAL STANDARDS. THE ... CODE ... CONSTITUTE[S] MINIMUM REQUIREMENTS FOR ALL GOVERNMENTAL UNITS, INCLUDING HOME RULE UNITS. ANY GOVERNMENTAL UNIT MAY ENACT MORE STRINGENT REQUIREMENTS TO INCREASE AND FACILITATE ACCESS TO THE BUILT ENVIRONMENT BY INDIVIDUALS WITH DISABILITIES.
- ILLINOIS ACCESSIBILITY CODE (77 ILL. ADMIN. CODE 400.110 AND 71 ILL. ADMIN. CODE 400 APP.A)

STATE MINIMUM OR MANDATED CODES (CONT.)

FIRE PREVENTION AND LIFE SAFETY CODE

- STATE - NFPA 101, LIFE SAFETY CODE (2015) (425 ILCS 25/9; 41 ILL. ADMIN CODE 100.3(c)(2))
- LOCAL - EQUAL TO OR HIGHER THAN NFPA 101, LIFE SAFETY CODE (2015)

STATE MINIMUM OR MANDATED CODES (CONT.)

ILLINOIS ENERGY CONSERVATION CODE

- STATE – 2018 INTERNATIONAL ENERGY CONSERVATION CODE
 - PRIVATELY FUNDED COMMERCIAL BUILDINGS (77 ILL.ADMIN CODE 600.300(A))
 - RESIDENTIAL (77 ILL.ADMIN CODE 600.400(A))
- LOCAL – A UNIT OF LOCAL GOVERNMENT THAT DOES NOT REGULATE ENERGY EFFICIENT BUILDING STANDARDS IS NOT REQUIRED TO ADOPT, ENFORCE, OR ADMINISTER THE CODE; HOWEVER, ANY ENERGY EFFICIENT BUILDING STANDARDS ADOPTED BY A UNIT OF LOCAL GOVERNMENT MUST COMPLY WITH THIS ACT. IF A UNIT OF LOCAL GOVERNMENT DOES NOT REGULATE ENERGY EFFICIENT BUILDING STANDARDS, ANY CONSTRUCTION, RENOVATION, OR ADDITION TO BUILDINGS OR STRUCTURES IS SUBJECT TO THE PROVISIONS CONTAINED IN THIS ACT. (20 ILCS 3125/20).

CURRENT CITY CODE

TITLE 10 – BUILDING REGULATIONS

- CHAPTER 1 ADMINISTRATIVE ENFORCEMENT
- CHAPTER 2 GENERAL REGULATIONS

CURRENT CITY CODE (CONT.)

CHAPTER 3 – BUILDING REGULATIONS

- 10-3-3 PROPERTY MAINTENANCE CODE (INTERNATIONAL PROPERTY MAINTENANCE CODE – 2003)
- 10-3-4 BASIC ENERGY CONSERVATION REQUIREMENTS (INTERNATIONAL ENERGY CONSERVATION CODE – 2015)
- 10-3-5 ILLINOIS ACCESSIBILITY CODE (CURRENT/1975)
- 10-3-6 MECHANICAL CODE (INTERNATIONAL MECHANICAL CODE – 2015)
- 10-3-7 BUILDING MATERIALS STANDARDS (1975)
- 10-3-8 INTERNATIONAL SWIMMING POOL AND SPA CODE (IPSC – 2015)
- 10-3-9 FUEL GAS CODE (INTERNATIONAL FUEL AND GAS CODE – 2015)

CURRENT CITY CODE (CONT.)

CHAPTER 3 – BUILDING REGULATIONS

- ARTICLE A BUILDING CODE
 - 10-3A-1 BUILDING CODE; ADOPTED (INTERNATIONAL BUILDING CODE – 2009)
- ARTICLE B RESIDENTIAL CODE
 - 10-3B-1 RESIDENTIAL CODE (INTERNATIONAL RESIDENTIAL CODE – 2015)

CURRENT CITY CODE (CONT.)

CHAPTER 4 – FIRE PREVENTION AND SAFETY

- 10-4-1 FIRE PREVENTION AND LIFE SAFETY CODES ADOPTED (INTERNATIONAL FIRE CODE – 2009; AND LIFE SAFETY CODE – 2003)
- ARTICLE A HAZARDOUS SUBSTANCES OR MATERIALS (1975)
- ARTICLE B NEW CONSTRUCTION PLAN REVIEW AND INSPECTION (1975)

REVIEW – GOALS

- BUILDING AND FIRE PREVENTION CODES LAST UPDATED 1975/2009
- STATE MANDATED/MINIMUM CODES – COMPLIANCE
- ADOPT 2015 BUILDING AND FIRE PREVENTION CODES
 - STATE-OF-THE-ART
 - CONSISTENCY, CERTAINTY, AND AVOID CONFLICTS
- LIMIT LOCAL AMENDMENTS – ARTICULATED JUSTIFICATION
 - STATE-OF-THE-ART; RELY ON EXPERTS
 - AVOID CONFLICTS, CONFUSION, AND UNINTENDED CONSEQUENCES

REVIEW – GOALS (CONT.)

- CONSIDER AND RESPOND TO CONSTITUENT CONCERNS
 - ADDRESS CONCERN GENEVA IS UNNECESSARILY RESTRICTIVE
 - ADOPT INTERNATIONAL EXISTING BUILDING CODE
 - MINIMUM CODE STANDARDS
- ELIMINATE OUTDATED, REDUNDANT, OR CONFLICTING CITY CODE PROVISIONS
- CUSTOMER SERVICE
 - PROVIDE ONLINE ACCESS TO CODES
 - COPYRIGHT LICENSE
 - RESOURCES AND COMMUNICATIONS

REVIEW – GOALS (CONT.)

- STAFF TRAINING AND RESOURCES
 - COURSES
 - ONLINE CODES AND COMMENTARIES
- STAFF ROLES
 - INFORMATION – DEVELOPMENT OF RESOURCES
 - EXPERTISE – CODE COMPLIANCE
 - CITY DOES NOT PROVIDE DESIGN SERVICES OR LEGAL ADVICE

REVIEW - PROCESS

- CITY STAFF
 - FIRE CHIEF - MIKE ANTENORE
 - FIRE MARSHAL – DUSTIN SCHULTZE
 - BUILDING COMMISSIONER – ERIC NELSON
- NO RELIANCE ON PRIOR DECISIONS

REVIEW – PROCESS (CONT.)

- LEGAL REVIEW
- ONE VOICE
- ORDINANCE CREATION
 - LEGAL AUTHORITY;
 - STATE MANDATED OR MINIMUM CODES – FIRE CODE;
 - RATIONALE FOR RECOMMENDED CODE; AND
 - INCORPORATION BY REFERENCE AND LOCAL AMENDMENTS
- PUBLICATION AND FILING REQUIREMENTS
- ORDINANCE ADOPTION – CONCURRENCE OF MAJORITY OF ALDERMEN AND MAYOR (I.E., SIX AFFIRMATIVE VOTES)

REVIEW – PROCESS (CONT.)

- CODE ADOPTION RECOMMENDATIONS
 - INTERNATIONAL BUILDING CODE, 2015 EDITION
 - INTERNATIONAL EXISTING BUILDING CODE, 2015 EDITION
 - INTERNATIONAL PROPERTY MAINTENANCE CODE, 2015 EDITION
 - INTERNATIONAL FIRE CODE, 2015 EDITION/NFPA 101, 2018 EDITION
 - NATIONAL ELECTRICAL CODE, 2014 EDITION
 - INTERNATIONAL FIRE CODE, 2015 EDITION

SUGGESTED COUNCIL QUESTIONS/ROLE

- WHAT IS THE STATUTORY AUTHORITY FOR THE CITY TO ADOPT THESE CODES?
- WHAT IS THE STATUTORY AUTHORITY FOR THE CITY TO INCORPORATE THESE CODES BY REFERENCE?
- ARE THERE ANY STATE MINIMUM OR MANDATED CODES WITH WHICH THE CITY MUST OR SHOULD COMPLY?
- WHY ARE YOU RECOMMENDING THAT WE ADOPT THIS CODE?

SUGGESTED COUNCIL QUESTIONS/ROLE (CONT.)

- WHAT IS THE RATIONALE FOR THE LOCAL AMENDMENTS YOU ARE RECOMMENDING?
- HAVE YOU CONSIDERED POLICY ISSUES RAISED BY CONSTITUENTS?
- WHAT ARE THE NOTICE, FILING, APPROVAL, AND PUBLICATION REQUIREMENTS AND HAS THE CITY COMPLIED?
- WHAT VOTE IS REQUIRED FOR THE CITY COUNCIL TO ADOPT THE PROPOSED ORDINANCE AND CODE?

THE FUTURE

- REVIEW AND UPDATE CODES EVERY 3 YEARS
 - STATE-OF-THE-ART
 - EASIER REVIEW – REDLINE CHANGES
- CONTINUED INVESTMENT IN STAFF TRAINING AND RESOURCES
- LEARNING FROM EXPERIENCE
 - STAFF
 - CONSTITUENT FEEDBACK – COUNCIL DIRECTION AND SUGGESTED REVIEW PROCESS
 - REVISE AS NECESSARY BASED ON ACTUAL EXPERIENCE
- CUSTOMER SERVICE
 - RESOURCE DEVELOPMENT – TIME AND COST CONSIDERATIONS
 - EXPLORE COMMUNITY EDUCATION OPPORTUNITIES

QUESTIONS?

