

Title 15

BUILDINGS AND CONSTRUCTION

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Chapter 15.04

BUILDING PERMITS

Sections:

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Section 15.04.010 Permit required.

A. It is unlawful to construct, place, or alter any building or structure in the City or upon City property whereby the roof area or roof line or the foundation area or foundation line is changed, without first having secured a permit therefor. For the purpose of this chapter, the placement of a single or double-wide mobilehome on a lot other than in a mobilehome park shall constitute the construction or alteration of a building or structure whether the placement is for the original mobilehome on the lot or as a replacement of a previously existing mobilehome. It is also unlawful to improve any property within the City with concrete, asphalt, bituminous or gravel parking or parking lot for any building or structure, excluding buildings containing no more than four residential units, without first having secured a permit therefor. It is also unlawful to construct, place, or alter any fence in the City or upon City property without first having secured a permit therefor.

B. Time Limit for Building Permits. Any building permit issued for the construction of any building or the alteration of any existing building shall expire when the construction or alteration work has been completed in conformity with the building permit or one year after the date of its issuance, whichever shall first occur.

C. Renewal. An applicant may apply for renewal of a building permit which has expired when the following conditions are met: (1) the renewal application is submitted not later than ninety (90) days after the expiration of the building permit; and (2) a fifty dollar (\$50.00) renewal application fee is submitted. Said renewal shall be for a period not to exceed one year. (Ord. 11-19 § 2: Ord. 06-31, § 2: Ord. 99-15, § 1: Ord. 98-133 § 1; Ord. 98-37 § 4; Ord. 96-41 § 1; Ord. 95-60 § 1; Ord. 87-26 § 1; Ord. 84-3 § 2 (part): prior code § 150.01)

Section 15.04.020 Application and fee.

A. Application for building permits and renewals shall be made to the City Clerk and shall be submitted on forms obtained from the office of the City Clerk. Applications for building permits and renewals shall be examined to determine whether the proposed construction or alteration will comply with the ordinance provisions relative thereto. No permit shall be issued until an application complies with all relevant ordinances.

B. No building permit shall be issued for any building or structure or for any parking lot unless there shall have been attached to the application therefor a stormwater detention plan describing the method for handling stormwater for a storm of one hundred (100) year frequency in a manner so that the release rate of the stormwater runoff from the site shall not exceed the stormwater runoff rate prior to the construction of such building, structure or parking lot, and until such stormwater detention plan is approved by the City Engineer. Stormwater detention plans shall not be required for a building permit for any building containing no more than four residential units or parking or parking lots constructed for such buildings, or any fences. (Ord. 06-31 § 3: Ord. 98-133 § 2: Ord. 95-60 § 2; Ord. 84-3 § 2 (part): prior code § 150.02)

Section 15.04.030 Variations.

It is unlawful to vary materially from the submitted application unless such variations are submitted in an amended application to the City and found to be in compliance with all relevant ordinances. A fee shall be charged in an amount which will make the total building permit fees equal the fees that would be assessed if the amended application had been filed initially pursuant to the fee schedule in Section 15.04.040. (Ord. 84-3 § 2 (part): prior code § 150.03)

Section 15.04.040 Building permit fees.

A. New Residences. The basic permit fee is seventy-five dollars (\$75.00) for the first one thousand (1,000) square feet, including garages, carports and basements, plus three dollars and fifty cents (\$3.50) for each additional one hundred (100) square feet or fraction thereof in excess of the first one thousand (1,000) square feet. A minimum basic fee of seventy-five dollars (\$75.00) shall be charged. The inspection fee is one hundred dollars (\$100.00).

B. Residential Additions, Including Attached Garages. The basic permit fee is sixty dollars (\$60.00). The inspection fee is one hundred dollars (\$100.00).

C. Residential Accessory Buildings, Including Unattached Garages, Storage Structures, and Portable Storage Buildings Larger than Twelve (12) by Fourteen (14) Feet. The basic permit fee is sixty dollars (\$60.00). The inspection fee is one hundred dollars (\$100.00).

D. Small Storage Buildings (Twelve (12) by Fourteen (14) Feet or Smaller), Roof Changes and Carports.

(1) Small Storage Buildings on a Foundation, Roof Changes and Carports. The basic permit fee is twenty-five dollars (\$25.00). The inspection fee is fifty dollars (\$50.00).

(2) Portable Storage Buildings. The basic permit fee is twenty dollars (\$20.00). The inspection fee is thirty-five dollars (\$35.00).

E. Duplexes and Apartments. The basic permit fee is one hundred fifty dollars (\$150.00) for the first one thousand (1,000) square feet, including garages, carports and basements, plus one dollar (\$1.00) for each additional one hundred (100) square feet or fraction thereof in excess of the first one thousand (1,000) square feet. A minimum basic permit fee of one hundred fifty dollars (\$150.00) shall be charged. The inspection fee is two hundred dollars (\$200.00).

F. Commercial and Industrial Buildings and Additions. The basic permit fee is one hundred fifty dollars (\$150.00) for the first one thousand (1,000) square feet, plus four dollars and fifty cents (\$4.50) for each additional one hundred (100) square feet or fraction thereof in excess of the first one thousand (1,000) square feet. A minimum basic permit fee of one hundred fifty dollars (\$150.00) shall be charged. The inspection fee is one hundred fifty dollars (\$150.00).

G. Parking Lots - Concrete, Asphalt, or Bituminous (when not included on application with building or structure). The basic permit fee and inspection fee is a total of fifty dollars (\$50.00).

H. Mobile Homes. The basic permit fee and inspection fee for a mobile home placed on a lot shall be as required in Paragraph A above, provided, however, that the basic permit fee and inspection fee for a mobile home replacing another mobile home shall be as required in Paragraph B above.

I. Commercial Roof Change. The basic permit fee and inspection fee is a total of one hundred dollars (\$100.00).

J. Fences. The basic permit fee and inspection fee is a total of fifty dollars (\$50.00). (Ord. 11-19 § 3: Ord. 08-15 § 2: Ord. 06-31 § 4: Ord. 06-08A, § 31: Ord. 03-9, § 22: Ord. 02-8, § 6: Ord. 99-15, § 2: Ord. 98-37 § 5: Ord. 96-41 § 2: Ord. 95-60 § 3: Ord. 87-26 § 2; Ord. 84-3 § 2 (part): prior code § 150.04)

Section 15.04.050 Contractor or owner to pay all fees before license issued.

Prior to the issuance of the building permit, the contractor or owner must pay for any water extension

service, including tap-in fee, and any and all parts necessary to render service, including water meter. The contractor or owner must also pay the sewer tap-in fee and street opening deposit, if any. (Ord. 84-3 § 2 (part): prior code § 150.05)

Section 15.04.060 Violation--Penalty.

Whoever violates any provisions of this chapter shall be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. A separate offense shall be deemed committed on each day during on which a violation occurs or continues. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Editorially amended during 1999 codification; Ord. 84-3 § 3: prior code § 150.99)

Chapter 15.08

BUILDING CODE

Sections:

- 15.08.010 Adoption of building code.
- 15.08.020 Additions, insertions, deletions and changes.
- 15.08.030 Violations--Penalties.
- 15.08.040 Copy for inspection.
- 15.08.050 Savings clause.

Section 15.08.010 Adoption of building code.

A certain document, one (1) copy of which is on file in the Office of the City Clerk of the City of Olney, being marked and designated as the *International Building Code*, 2018 edition, as published by the International Code Council, be and is hereby adopted as the Building Code of the City of Olney, in the State of Illinois, pursuant to Illinois Compiled Statutes, Chapter 65, Section 5/1-3-2, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the Office of the City Clerk of the City of Olney are hereby referred to, adopted, and made a part hereof, as if fully set out in this Chapter, with the additions, insertions, deletions and changes, if any, prescribed in Section 15.08.020. (Ord. 2020-37 § 1: Ord. 06-33 § 1: Ord. 98-142 § 1)

Section 15.08.020 Additions, insertions, deletions and changes.

The *International Building Code*, 2018 edition, is hereby revised as follows:

A. Insertions.

1. Section 101.1. Insert: the City of Olney

B. Changes.

1. Section 101.4.3 (Plumbing) is amended to read as follows:

101.4.3 Plumbing. The provisions of the *Illinois Plumbing Code*, April 2014 edition, shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the *Illinois Private Sewage Disposal Code* shall apply to private sewage disposal systems. Whenever the *International Plumbing Code* is referenced, insert: “the *Illinois Plumbing Code*, April 2014 edition, published by the Illinois Department of Public Health, as amended from time to time,” in its place and stead.

2. Section 903.2 (Exception) is added to read as follows:

903.2 Exception. Automatic sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an approved automatic fire detection system in accordance with Section 907.2 that will respond to visible to invisible particles of combustion, sprinklers shall not be omitted from a room merely because it is damp, of fire-resistance-rated construction or contains electrical equipment:

1. A room where the application of water, or flame and water, constitutes a serious life or fire hazard.

2. A room or space where sprinklers are considered undesirable because of the nature of the contents, where approved by the fire code official.
 3. Generator, transformer, switchgear and elevator equipment rooms used exclusively for such equipment and separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than two (2) hours. Storage is prohibited in such rooms.
 4. Rooms or areas that are of noncombustible construction with wholly noncombustible contents.
 5. Fire service access elevator machine rooms and machinery spaces.
 6. Machine rooms, machinery spaces, control rooms and control spaces associated with occupant evacuation elevators designed in accordance with Section 3008 of the 2018 International Building Code.
3. Section 903.2.8.1 (Group R-3) is added to read as follows:
903.2.8.1 (Group R-3.) An automatic sprinkler system installed in accordance with Section 903.3.1.3 shall be permitted in Group R-3 occupancies with the exception of occupancies of less than five thousand (5,000) total square feet.
4. Section 906.1 (Where required.) is added to read as follows:
906.1 (Where required.) Portable fire extinguishers shall comply with NFPA 10 and must be installed in all of the following locations:
1. In new and existing Group A, B, E, F, H, I M, R-1, R-2, R-4, and S occupancies.
 Exceptions:
 - A. In new and existing Group A, B, and E occupancies equipped throughout with quick-response sprinklers, portable fire extinguishers shall be required only in locations specified in items 2 through 6.
 - B. In Residential Group R-2, portable fire extinguishers shall be installed in the following hazardous areas only: boiler and fuel-fired heater rooms serving more than a single dwelling unit; laundries > 100 square feet; and trash collection rooms or maintenance shops > 100 square feet.
 2. Within thirty (30) feet (9,144 mm) of commercial cooking equipment.
 3. In areas where flammable or combustible liquids are stored, used or dispensed.
 4. On each floor of structures under construction, except Group R-3 occupancies, in accordance with Section 3315.1.
 5. Where required by sections indicated in Tables 906.1.
 6. Special-hazard areas, including but not limited to laboratories, computer rooms, and generator rooms, where required by the fire code official.
5. Section 1006.2.1 (Egress based on occupant load and common path of egress travel distance) is added to read as follows:
1006.2.1 Egress based on occupant load and common path of egress travel distance. Two exits or exit doorways from any spaces shall be provided where the design occupant load or the common path of egress travel distance exceeds the values listed in Table 1006.2.1.
 Exceptions: A single exit is acceptable under any one of the following conditions:
1. Use Groups B, M, S, F are permitted to be served by a single exit when three stories or less, above ground, and a minimum of three thousand five hundred (3,500) square feet per floor.
 2. Use Groups B, M, S, F are permitted to be served by a single exit for up to five stories, above grade, and a maximum of three thousand five hundred (3,500) square feet per floor, when one of the following criteria is met:
 - a. Where the building is equipped throughout with an automatic fire suppression system and an automatic fire alarm system with smoke detectors located in all corridors, lobbies and common areas; or,
 - b. Where the building is provided with an automatic fire alarm system and the exit

- is a smoke proof enclosure or pressurized stairway; or,
 - c. Where an existing fire escape conforming to Section 1104.16 is provided in addition to the single exit.
 - 3. In stories that require only one exit in accordance with the requirements of Section 1006.
 - 4. In buildings of Use Group R-3.
 - 5. In buildings used for residential multiple-family dwellings having more than two dwelling units (apartments), a single exit for buildings with less than 3 stories is permissible when meeting all of the following conditions:
 - a. Two (2)-hour fire rating between dwelling units and between dwelling units and other occupancies or a one (1)-hour fire rating between dwelling units and between dwelling units and all other occupancies plus the entire structure is fully sprinkled.
 - b. One (1)-hour fire rated exit enclosure.
 - c. Manual fire alarms if more than twelve (12) dwelling units.
 - d. Emergency lighting if more than twelve (12) dwelling units.
 - e. Five-point-seven (5.7) square feet emergency egress windows in all sleeping rooms.
 - f. Exit access corridors serving the exit must provide one (1)-hour fire rating.
 - g. Not more than thirty-five (35) feet of travel distance to the exit from the dwelling unit entrance door.
 - 6. Section 1010.1.9.4 (Locks and latches.) is added to read as follows:

1010.1.9.4 Locks and latches. Locks and latches shall be permitted to prevent operation of doors where any of the following exist:

 - 1. Places of detention or restraint.
 - 2. Where egress doors are used in pairs, approved automatic flush bolts shall be permitted to be used, provided that the door leaf having the automatic flush bolts does not have a doorknob or surface-mounted hardware.
 - 3. Doors from individual dwelling units or sleeping units of Group R occupancies having an occupant load of ten (10) or less are permitted to be equipped with a night latch, dead bolt or security chain, provided such devices are capable of opening from the inside without the use of a key or tool.
 - 4. Fire doors after the minimum elevated temperature has disabled the unlatching mechanism in accordance with listed fire door test procedures.
- (Ord. 2020-37 § 2: Ord. 06-33 § 2: Ord. 06-08A § 32: Ord. 03-14 § 1: Ord. 03-9 § 23: Ord. 98-142 § 2)

Section 15.08.030 Violations--Penalties.

A. Violation Penalties. Any person who shall violate a provision of the *International Building Code*, 2018 edition, as incorporated herein, or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of the approved construction documents or directive of the Code Official, or of a permit or certificate issued under the provisions of the *International Building Code*, 2018 edition, as incorporated herein, shall, upon conviction thereof, be subject to a fine of not less than Seventy-Five Dollars (\$75.00) nor more than Seven Hundred Fifty Dollars (\$750.00), plus costs. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

B. Unlawful Continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe

condition, shall, upon conviction thereof, be subject to a fine of not less than Seventy-Five Dollars (\$75.00) nor more than Seven Hundred Fifty Dollars (\$750.00), plus costs. (2020-37 § 3: Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Ord. 06-33 § 3: Ord. 98-142 § 3)

Section 15.08.040 Copy for inspection.

The City Clerk of the City of Olney is hereby directed to keep at least one (1) copy of the adopted *International Building Code*, 2018 edition, on file in the Office of the City Clerk for public use, inspection, and examination. (Ord. 2020-37 § 4: Ord. 06-33 § 4: Ord. 98-142 § 4)

Section 15.08.050 Savings clause.

Nothing in this Chapter or in the *International Building Code*, 2018 edition, hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under this Chapter prior to the effective date of the ordinance codified in this Chapter, nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Chapter. (Ord. 2020-37 § 5: Ord. 06-33 § 5: Ord. 98-142 § 6)

Chapter 15.12

NATIONAL ELECTRICAL CODE

Sections:

- 15.12.010 Adoption of electrical code.
- 15.12.015 Additions, insertions, deletions and changes.
- 15.12.020 Violation--Penalty.
- 15.12.030 Copy for inspection.
- 15.12.040 Savings clause.

Section 15.12.010 Adoption of electrical code.

A certain document, one (1) copy of which is on file in the Office of the City Clerk of the City of Olney, being marked and designated as the *NFPA 70, National Electrical Code*, 2017 edition, as published by the National Fire Protection Association, be and is hereby adopted as the Electrical Code of the City of Olney, in the State of Illinois, pursuant to Illinois Compiled Statutes, Chapter 65, Section 5/1-3-2, for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of electrical systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Electrical Code on file in the Office of the City Clerk of the City of Olney are hereby referred to, adopted, and made a part hereof, as if fully set out in this Chapter, with the additions, insertions, deletions and changes, if any, prescribed in Section 15.20.015. (2020-45 § 1: Ord. 06-41 § 1: Ord. 98-147 § 1)

Section 15.12.015 Additions, insertions, deletions and changes.

The *NFPA 70, National Electrical Code*, 2017 edition, is hereby revised as follows:

A. Additions.

1. All electrical work within or upon any building in the city limits (excluding single-family residences, two-family residences, and multiple family dwellings of six residential units or less, and accessory buildings for all such residential units) shall be installed in approved metal conduits, metal moldings or flexible armored cable. Services for all buildings (excluding single-family residences, two-family residences, and multiple family dwellings of six residential units or less, and accessory buildings for all such residential units) shall enter the building in rigid conduit. All underground service cable shall be of approved type and suitably protected from mechanical injury by metal conduit or otherwise and shall meet local power company specifications.

B. Changes.

1. Section 210.12 (Arc-Fault Circuit-Interrupter Protection) is amended to read as follows:
(1) Arc-Fault Circuit-Interrupter Protection. Arc-fault circuit-interrupters are required in bedrooms only.
2. Section 230.70(A)(1) (Readily Accessible Location) is amended to read as follows:
(1) Readily Accessible Location. The service disconnecting means shall be installed at a readily accessible location outside of a building or structure near the service conductors.
3. Section 406.12 (Tamper-Resistant Receptacles) is amended to read as follows:
(1) Tamper-Resistant Receptacles. All 15- and 20-ampere, 125- and 250-volt nonlocking-type receptacles may be listed as tamper-resistant receptacles.
4. Section 398 (Open Wiring on Insulators) is amended to read as follows:

(1) Open Wiring on Insulators. Open wiring on insulators is not permitted.
2020-45 § 2: Ord. 06-41 § 2: Ord. 00-51, § 1)

Section 15.12.020 Violation--Penalty.

Any person who shall violate a provision of the *NFPA 70, National Electrical Code*, 2017 edition, as incorporated herein, or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair electrical work in violation of the approved plan or directive of the Code Official, or of a permit or certificate issued under the provisions of the *NFPA 70, National Electrical Code*, 2017 edition, as incorporated herein, shall, upon conviction thereof, be subject to a fine of not less than Seventy-Five Dollars (\$75.00) nor more than Seven Hundred Fifty Dollars (\$750.00), plus costs. Each day that a violation continues after due notice has been served shall be deemed a separate offense. (2020-45 § 3: Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Ord. 06-41 § 3: Ord. 98-147 § 2)

Section 15.12.030 Copy for inspection.

The City Clerk of the City of Olney is hereby directed to keep at least one (1) copy of the adopted *NFPA 70, National Electrical Code*, 2017 edition, on file in the Office of the City Clerk for public use, inspection, and examination. (2020-45 § 4: Ord. 06-41 §4: Ord. 98-147 § 3)

Section 15.12.040 Savings clause.

Nothing in this Chapter or in the *NFPA 70, National Electrical Code*, 2017 edition, hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under this Chapter prior to the effective date of the ordinance codified in this Chapter, nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Chapter. (2020-45 § 5: Ord. 06-41 § 5: Ord. 98-147 § 5)

Chapter 15.16

PLUMBING CODE

Sections:

- 15.16.010** Adoption of plumbing code.
- 15.16.020** Violation--Penalty.
- 15.16.030** Copy for inspection.
- 15.16.040** Savings clause.

Section 15.16.010 Adoption of plumbing code.

A certain document, one (1) copy of which is on file in the Office of the City Clerk of the City of Olney, being marked and designated as the *Illinois Plumbing Code*, April 2014 edition, as published by the Illinois Department of Public Health, as amended from time to time, be and is hereby adopted as the Plumbing Code of the City of Olney, in the State of Illinois, pursuant to Illinois Compiled Statutes, Chapter 65, Section 5/1-3-2, for regulating and governing the design, construction, quality of materials, installation, alteration, enlargement, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems in the City of Olney; and each and all of the regulations, provisions, penalties, conditions and terms of said Plumbing Code, as amended from time to time, on file in the Office of the City Clerk of the City of Olney are hereby referred to, adopted, and made a part hereof, as if fully set out in this Chapter. (2020-42 §1: 06-42 § 1: Ord. 98-148 § 1)

Section 15.16.020 Violation--Penalty.

Any person who shall violate a provision of the *Illinois Plumbing Code*, April 2014 edition, as amended from time to time, as incorporated herein, or shall fail to comply with any of the requirements thereof or who shall construct, alter or repair plumbing work in violation of the approved construction documents or directive of the Code Official, or of a permit or certificate issued under the provisions of the *Illinois Plumbing Code*, April 2014 edition, as amended from time to time, as incorporated herein, shall, upon conviction thereof, be subject to a fine of not less than Seventy-Five Dollars (\$75.00) nor more than Seven Hundred Fifty Dollars (\$750.00), plus costs. Each day that a violation continues after due notice has been served shall be deemed a separate offense. (2020-42 § 2: Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Ord. 06-42 § 2: Ord. 98-148 § 2)

Section 15.16.030 Copy for inspection.

The City Clerk of the City of Olney is hereby directed to keep at least one (1) copy of the adopted *Illinois Plumbing Code*, April 2014 edition, as amended from time to time, on file in the Office of the City Clerk for public use, inspection, and examination. (2020-42 § 3: Ord. 06-42 § 3: Ord. 98-148 § 3)

Section 15.16.040 Savings clause.

Nothing in this Chapter or in the *Illinois Plumbing Code*, April 2014 edition, as amended from time to time, hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under this Chapter prior to the effective date of the ordinance codified in this Chapter, nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Chapter. (2020-42 § 4: Ord. 06-42 § 4: Ord. 98-148 § 5)

Chapter 15.20

MECHANICAL CODE

Sections:

- 15.20.010 Adoption of mechanical code.
- 15.20.020 Additions, insertions, deletions and changes.
- 15.20.030 Violation--Penalty.
- 15.20.040 Copy for inspection.
- 15.20.050 Savings clause.

Section 15.20.010 Adoption of mechanical code.

A certain document, one (1) copy of which is on file in the Office of the City Clerk of the City of Olney, being marked and designated as the *International Mechanical Code*, 2018 edition, as published by the International Code Council, be and is hereby adopted as the Mechanical Code of the City of Olney, in the State of Illinois, pursuant to Illinois Compiled Statutes, Chapter 65, Section 5/1-3-2, for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Mechanical Code on file in the Office of the City Clerk of the City of Olney are hereby referred to, adopted, and made a part hereof, as if fully set out in this Chapter, with the additions, insertions, deletions and changes, if any, prescribed in Section 15.20.020. (Ord. 2020-43 § 1: Ord. 06-40 § 1: Ord. 98-146 § 1)

Section 15.20.020 Additions, insertions, deletions and changes.

The *International Mechanical Code*, 2018 edition, is hereby revised as follows:

A. Insertions.

1. Section 101.1. Insert: the City of Olney

B. Deletions.

1. Delete Sections 106.5.2, 106.5.3, 108.4, and 108.5.

C. Changes.

1. Section 102.8 (Referenced codes and standards) is amended to read as follows:

102.8 Referenced codes and standards. The codes and standards referenced herein shall be those that are listed in Chapter 15 and such codes and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

1. The provisions of the *Illinois Plumbing Code*, April 2014 edition, shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the *Illinois Private Sewage Disposal Code* shall apply to private sewage disposal systems. Whenever the *International Plumbing Code* is referenced, insert: “the *Illinois Plumbing Code*, April 2014 edition, published by the Illinois Department of Public Health, as amended from time to time,” in its place and stead. (Ord. 2020-43 § 2: Ord. 06-40 § 2: 98-146 § 2)

Section 15.20.030 Violation--Penalty.

1. Violation Penalties. Any person who shall violate a provision of the *International Mechanical Code*, 2018 edition, as incorporated herein, or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the Code Official, or of a permit or certificate issued under the provisions of the *International Mechanical Code*, 2018 edition, as incorporated herein, shall, upon conviction thereof, be subject to a fine of not less than Seventy-Five Dollars (\$75.00) nor more than Seven Hundred Fifty Dollars (\$750.00), plus costs. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

2. Stop Work Orders. Upon notice from the Code Official that mechanical work is being done contrary to the provisions of the *International Mechanical Code*, 2018 edition, as incorporated herein, or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the Code Official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than Seventy-Five Dollars (\$75.00) nor more than Seven Hundred Fifty Dollars (\$750.00), plus costs. (Ord. 2020-43 § 3: Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Ord. 06-40 § 3: Ord. 98-146 § 3)

Section 15.20.040 Copy for inspection.

The City Clerk of the City of Olney is hereby directed to keep at least one (1) copy of the adopted *International Mechanical Code*, 2018 edition, on file in the Office of the City Clerk for public use, inspection, and examination. (Ord. 2020-43 § 4: Ord. 06-40 § 4: Ord. 98-146 § 4)

Section 15.20.050 Savings clause.

Nothing in this Chapter or in the *International Mechanical Code*, 2018 edition, hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under this Chapter prior to the effective date of the ordinance codified in this Chapter, nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Chapter. (Ord. 2020-43 § 5: Ord. 06-40 § 5: Ord. 98-146 § 6)

Chapter 15.24

EXISTING BUILDING CODE

Sections:

- 15.24.010 Adoption of existing building code.
- 15.24.020 Additions, insertions, deletions and changes.
- 15.24.030 Violation--Penalty.
- 15.24.040 Copy for inspection.
- 15.24.050 Savings clause.

Section 15.24.010 Adoption of existing building code.

A certain document, one (1) copy of which is on file in the Office of the City Clerk of the City of Olney, being marked and designated as the *International Existing Building Code*, 2018 edition, as published by the International Code Council, be and is hereby adopted as the Existing Building Code of the City of Olney, in the State of Illinois, pursuant to Illinois Compiled Statutes, Chapter 65, Section 5/1-3-2, for regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings, as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Existing Building Code on file in the Office of the City Clerk of the City of Olney are hereby referred to, adopted, and made a part hereof, as if fully set out in this Chapter, with the additions, insertions, deletions and changes, if any, prescribed in Section 15.24.020. (Ord. 2020-44 § 2: Ord. 06-37 § 2: 98-144 § 1)

Section 15.24.020 Additions, insertions, deletions and changes.

The *International Existing Building Code*, 2006 edition, is hereby revised as follows:

A. Insertions.

1. Section 101.1. Insert: the City of Olney

B. Changes.

1. Section 102.4 (Referenced codes and standards) is amended to read as follows:

102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

1. The provisions of the *Illinois Plumbing Code*, April 2014 edition, shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the *Illinois Private Sewage Disposal Code* shall apply to private sewage disposal systems. Whenever the *International Plumbing Code* is referenced, insert: “the *Illinois Plumbing Code*, April 2014 edition, published by the Illinois Department of Public Health, as amended from time to time,” in its place and stead. (Ord. 2020-44 §3: Ord. 06-37 § 3: Ord. 06-08A § 33: Ord. 03-9, § 24: Ord. 98-144 § 2)

Section 15.24.030 Violation--Penalty.

A. Violation Penalties. Any person who shall violate a provision of the *International Existing Building Code*, 2018 edition, as incorporated herein, or shall fail to comply with any of the requirements thereof or who shall repair or alter or change the occupancy of a building or structure in violation of the

approved construction documents or directive of the Code Official, or of a permit or certificate issued under the provisions of the *International Existing Building Code*, 2018 edition, as incorporated herein, shall, upon conviction thereof, be subject to a fine of not less than Seventy-Five Dollars (\$75.00) nor more than Seven Hundred Fifty Dollars (\$750.00), plus costs. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

B. Unlawful Continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall, upon conviction thereof, be subject to a fine of not less than Seventy-Five Dollars (\$75.00) nor more than Seven Hundred Fifty Dollars (\$750.00), plus costs. (Ord. 2020-44 § 4: Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Ord. 06-37 § 4: Ord. 98-144 § 3)

Section 15.24.040 Copy for inspection.

The City Clerk of the City of Olney is hereby directed to keep at least one (1) copy of the adopted *International Existing Building Code*, 2018 edition, on file in the Office of the City Clerk for public use, inspection, and examination. (Ord. 2020-44 § 5: Ord. 06-37 § 5: Ord. 98-144 § 4)

Section 15.24.050 Savings clause.

Nothing in this Chapter or in the *International Existing Building Code*, 2018 edition, hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under this Chapter prior to the effective date of the ordinance codified in this Chapter, nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Chapter. (Ord. 2020-44 § 6: Ord. 06-37 § 6: Ord. 98-144 § 6)

Chapter 15.28

RESIDENTIAL CODE

Sections:

- 15.28.010 Adoption of residential code.
- 15.28.020 Additions, insertions, deletions and changes.
- 15.28.030 Violation--Penalty.
- 15.28.040 Copy for inspection.
- 15.28.050 Savings clause.

Section 15.28.010 Adoption of residential code.

A certain document, one (1) copy of which is on file in the Office of the City Clerk of the City of Olney, being marked and designated as the *International Residential Code*, 2018 edition, as published by the International Code Council, be and is hereby adopted as the Residential Code of the City of Olney, in the State of Illinois, pursuant to Illinois Compiled Statutes, Chapter 65, Section 5/1-3-2, for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Residential Code on file in the Office of the City Clerk of the City of Olney are hereby referred to, adopted, and made a part hereof, as if fully set out in this Chapter, with the additions, insertions, deletions and changes, if any, prescribed in Section 15.28.020. (Ord. 2020-41 § 2: Ord. 06-34 § 2: Ord. 98-143 § 1)

Section 15.28.020 Additions, insertions, deletions and changes.

The *International Residential Code*, 2018 edition, is hereby revised as follows:

A. Additions.

1. Table R404.1(1) is amended by adding the following note thereto:
NOTE: If a brick ledge is to be used with a hollow masonry foundation wall, 12-inch blocks must be used, except where 8-inch blocks are necessary to make the 4-inch ledge.

B. Insertions.

1. Section R101.1. Insert: the City of Olney
2. Table R301.2(1). Insert:
Ground Snow Load: 20
Wind Speed (mph): 90
Seismic Design Category: D₀
Weathering: Severe
Frost line depth: 36"
Termite: Moderate to Heavy
Winter Design Temp: 6°
Ice Barrier Underlayment Required: No
Flood Hazards: Ord. - 8-26-1985; FIRM - 9-4-1985
Air Freezing Index: 926
Mean Annual Temp: 55°

C. Deletions.

1. Delete Sections R404.2, R404.2.1, R404.2.2, R404.2.3, R404.2.4, R404.2.5, and R404.2.6; Figures 403.1(2) and 403.1(3); and Table 404.2.3.

D. Changes.

1. Section E902.16 (Arc-fault circuit-interrupter protection.) is added to read as follows:
E902.16 Arc-fault circuit-interrupter protection. Arc-fault circuit-interrupter breakers are required in bedrooms only.
2. Section E4002.14 (Tamper-resistant receptacles.) is added to read as follows:
E4002.14 Tamper-resistant receptacles. In areas specified in Section E3901.5, 15- and 20-ampere, 1225- and 250-volt non locking receptacles May be listed tamper-resistant receptacles.
3. Section R102.4 (Referenced codes and standards) is amended to read as follows:
R102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.
 1. The provisions of the *Illinois Plumbing Code*, April 24, 2014, edition, shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the *Illinois Private Sewage Disposal Code* shall apply to private sewage disposal systems. Whenever the *International Plumbing Code* is referenced, insert: “the *Illinois Plumbing Code*, April 24, 2014 edition, published by the Illinois Department of Public Health, as amended from time to time,” in its place and stead.
Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer’s instructions shall apply.
4. Section R104.11 (Alternative materials, design and methods of construction and equipment) is amended to read as follows:
R104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code. Compliance with specific performance-based provisions of the *International Codes*, *NFPA 70*, *National Electrical Code*, and *Illinois Plumbing Code* in lieu of specific requirements of this code shall also be permitted as an alternate.
5. The definition of “building” in Section R202 (Definitions) is amended to read as follows:
BUILDING. Building shall mean any one- and two-family dwelling or portion thereof, including townhouses, that is used, or designed or intended to be used for human habitation, for living, sleeping, cooking or eating purposes, or any combination thereof, and shall include any rooms, spaces, and structures accessory thereto, including enclosed spaces such as closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms, and similar spaces.
6. Section R309.5 (Fire sprinklers.) is added to read as follows:
R309.5 Fire Sprinklers. Private garages shall be permitted to be protected by fire sprinklers where the garage wall has been designed based on table R302.1(2).
7. Section R313.1 (Townhouse automatic fire sprinkler system.) is added to read as follows:

- R313.1 Townhouse automatic fire sprinkler system.** An automatic fire sprinkler system shall be permitted to be installed in townhouses.
8. Section R313.2 (One- and two-family dwelling automatic fire systems.) is added to read as follows:
R313.2 One- and two-family dwelling automatic fire systems. An automatic residential fire sprinkler system shall be permitted to be installed in one- and two-family dwellings with the exception of occupancies of less than 5,000 (five thousand) total square feet.
9. Section R401.1 (Application) is amended to read as follows:
R401.1 Application. The provisions of this chapter shall control the design and construction of the foundation and foundation spaces for all buildings. In addition to the provisions of this chapter, the design and construction of foundations in areas prone to flooding as established by Table R301.2(1) shall meet the provisions of Section R324. Wood foundations shall be prohibited, except as specifically provided in Section R402.1.
10. Section R402.1 (Wood foundations) is amended to read as follows:
R402.1 Wood foundations. Wood foundation systems are prohibited; except wood decks for the purpose of an enclosed sun porch, either screened or glassed, shall be designed and installed in accordance with *International Building Code* standards and all lumber and plywood shall be treated in accordance with AWPA C22 and shall be identified as to conformance with such standard by an approved inspection agency.
11. Section R403.1 (General) is amended to read as follows:
R403.1 General. All exterior walls, bearing walls, columns and piers shall be supported on continuous solid or fully grouted masonry or concrete footings and foundation walls, or other approved structural systems which shall be of sufficient design to accommodate all loads according to Section R301 and to transmit the resulting loads to the soil within the limitations as determined from the character of the soil. Footings shall be supported on undisturbed natural soils or engineered fill.
12. Section R908.3 (Re-covering versus replacement) is amended to read as follows:
R908.3 Re-covering versus replacement. New roof coverings shall not be installed without first removing existing coverings where any of the following conditions occur:
1. Where the existing roof or roof covering is water-soaked or has deteriorated to the point that the existing roof or roof covering is not adequate as a base for additional roofing.
 2. Where the existing roof covering is wood shake, slate, clay, cement or asbestos-cement tile.
 3. Where the existing roof has two or more applications of any type of roof covering.

Exceptions:

1. Complete and separate roofing systems, such as standing-seam metal roof systems, that are designed to transmit the roof loads directly to the building's structural system and that do not rely on existing roofs and roof coverings for support, shall not require the removal of existing roof coverings.
2. Installation of metal panel, metal shingle and concrete and clay tile roof coverings over existing wood shake roofs shall be permitted when the application is in accordance with Section R907.4.
3. The application of new protective coating over existing spray polyurethane foam roofing systems shall be permitted without tear-off of existing roof coverings.
4. The removal of existing roof coverings shall not be required when a structural engineer approves in writing the placement of an additional roof covering. (Ord. 2020-41 § 3: Ord. 06-34 § 3: Ord. 98-143 § 2)

Section 15.28.030 Violation--Penalty.

A. Violation Penalties. Any person who shall violate a provision of the *International Residential Code*, 2018 edition, as incorporated herein, or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of the approved construction documents or directive of the Code Official, or of a permit or certificate issued under the provisions of the *International Residential Code*, 2018 edition, as incorporated herein, shall, upon conviction thereof, be subject to a fine of not less than Seventy-Five Dollars (\$75.00) nor more than Seven Hundred Fifty Dollars (\$750.00), plus costs. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

B. Unlawful Continuance. Any person who shall continue any work in and about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall, upon conviction thereof, be subject to a fine of not less than Seventy-Five Dollars (\$75.00) nor more than Seven Hundred Fifty Dollars (\$750.00), plus costs. (Ord. 2020-41 § 4: Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Ord. 06-34 § 4: Ord. 98-143 § 3)

Section 15.28.040 Copy for inspection.

The City Clerk of the City of Olney is hereby directed to keep at least one (1) copy of the adopted *International Residential Code*, 2018 edition, on file in the Office of the City Clerk for public use, inspection, and examination. (Ord. 2020-41 § 5: Ord. 06-34 § 5: Ord. 98-143 § 4)

Section 15.28.050 Savings clause.

Nothing in this Chapter or in the *International Residential Code*, 2018 edition, hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under this Chapter prior to the effective date of the ordinance codified in this Chapter, nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Chapter. (Ord. 2020-41 § 6: Ord. 06-34 § 6: Ord. 98-143 § 6)

Chapter 15.32

DANGEROUS BUILDINGS

Sections:

- 15.32.010 Definition.
- 15.32.020 Dangerous buildings prohibited--Nuisance.
- 15.32.030 Notice of dangerous building--Abatement.
- 15.32.040 Reserved.
- 15.32.050 Dangerous and unsafe building procedures.
- 15.32.060 Violation--Penalty.

Section 15.32.010 Definition.

The term "dangerous buildings" as used in this chapter is defined to mean and include:

- A. Any building, shed, fence or other man-made structure which is dangerous to the public health because of its condition, and which may cause or aid in the spread of disease, or injury to the health of the occupants of it or neighboring structures;
- B. Any building, shed, fence or other man-made structure which, because of faulty construction, age, lack of proper repair or any other cause, is especially liable to fire and constitutes or creates a fire hazard;
- C. Any building, shed, fence or other man-made structure, which by reason of faulty construction or any other cause, is liable to cause injury or damage by collapsing or by a collapse or fall of any part of such structure;
- D. Any building, shed, fence or other man-made structure which, because of its condition or because of lack of doors or windows, is available to and frequented by malefactors or disorderly persons who are not lawful occupants of such structure. (Prior code § 151.01)

Section 15.32.020 Dangerous buildings prohibited--Nuisance.

- A. It is unlawful to maintain or permit the existence of any dangerous building in the City. It is unlawful for the owner, occupant or person in custody of any dangerous building to permit the same to remain in a dangerous condition, or to occupy such building or permit it to be occupied while it is, or remains, in a dangerous condition.
- B. Any such dangerous building in the City is declared to be a nuisance. (Prior code § 151.02)

Section 15.32.030 Notice of dangerous building--Abatement.

A. Whenever the Building Official, the Fire Chief or the Health Officer shall be of the opinion that any building or structure in the City is a dangerous building, the Building Official shall thereupon cause written notice to be served upon the owner thereof, and upon the occupant thereof, if any, by registered mail or by personal service. Such notice shall state that the building has been declared to be in a dangerous condition, and that such dangerous condition must be removed or remedied by repairing or altering the building or by demolishing it; and that the condition must be remedied at once. Such notice may be in the following terms:

To _____ (owner-occupant of premises) of the premises known and described as

You are hereby notified that _____ (describe building) on the premises above mentioned has been condemned as a nuisance and a dangerous building after inspection by _____.

The causes for this decision are _____
(here insert the facts as to the dangerous condition).

You must remedy this condition or demolish the building immediately, or the City of Olney will proceed to do so.

B. If the person receiving the notice has not complied therewith or taken an appeal from the determination of the officer or employee finding that a dangerous building exists, within ten days from the time when this notice is served upon such person by personal service or registered mail, the Building Official may, upon orders of the Mayor and Council, proceed to remedy the condition or demolish the dangerous building. (Ord. 2022-06 § 7: Prior code § 151.03)

Section 15.32.040 Reserved.

(Ord. 2022-06 § 8: Prior code § 151.04)

Section 15.32.050 Dangerous and unsafe building procedures.

1. Pursuant to 65 ILCS 5/11-31-1, the City of Olney Code Enforcement Officer may determine to have a structure demolished, repaired or enclosed, and any garbage, debris and any other hazardous, noxious or unhealthy substances or materials removed to avoid any immediate or continuing hazard from the community

2. Requirement: The structure must be:

- A. a residential or commercial building; and
- B. three stories or less in height; and,
- C. open; and,
- D. vacant; and,
- E. be an immediate and continuing hazard to the community.

3. Notice Requirements: Prior to taking any action, the Code Enforcement Officer shall:

- A. Obtain an ownership and lien search report, including the permanent tax identification number and the common address of the subject property.
- B. Post a notice (2 feet X 2 feet minimum size) on the front of the building. The notice must state:
 - 1) The address of the property.
 - 2) The date the notice is posted on the front of the structure.
 - 3) The following language: "The City of Olney finds that this structure is open, vacant, and an immediate and continuing hazard to the community and that unless this structure is demolished, repaired or enclosed, and unless any and all garbage, debris and other hazardous, noxious or unhealthy substances or materials are removed within 30 days of this notice, then the City of Olney will proceed to demolish, repair or enclose, and remove any and all garbage, debris and other hazardous, noxious or unhealthy substances or materials from this property, and may place a lien on this property for the cost thereof. A person objecting to the proposed actions of the City of Olney may file his or her objection in proper form in a court of competent jurisdiction."

C. Not later than 30 days after posting the notice, send by certified mail, return receipt requested, a Notice to Remediate to all owners of record of the property, the beneficial owners of any Illinois land trust having title to the property, and all lienholders of record in the property, stating the intent of the City of Olney to demolish, repair, or enclose the building or remove any and all garbage, debris, or other hazardous, noxious, or unhealthy substances and materials if action is not taken by the owner or owners.

D. Not later than 30 days after posting the notice, publish in a newspaper published or circulated in the City of Olney where the building is located for three consecutive days a notice stating:

- 1) The permanent tax identification number of the property.
 - 2) The common address of the building.
 - 3) The property is open, vacant, and constitutes an immediate and continuing hazard to the community.
 - 4) The City of Olney intends to demolish, repair, or enclose the building or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials if the owner or owners or lienholders of record fail to do so.
- E. Not later than 30 days after posting the notice, record the Notice to Remediate mailed under paragraph C above in the Office of the Recorder of Richland County.
4. Action Following Notice: Within 30 days after mailing the notice to the owners of record, the beneficial owners of any Illinois land trust having title to the property, and all lienholders of record in the property, or within 30 days of the last day of publication of the notice, whichever is later, the Code Enforcement Officer may:
- A. Demolish, repair, or enclose the building, and remove any garbage, debris or other hazardous, noxious or unhealthy substances or materials from the property if:
 - 1) The owner has not filed an objection in an appropriate form in the Richland County Circuit Court to contest the proposed action of the City.
 - 2) The owner has not taken necessary steps to demolish, repair or enclose the building, and remove any garbage, debris or other hazardous, noxious or unhealthy substances or materials from the property on their own within the 30 day period.
 - B. The demolition, repair or enclosure of the building, and removal of the garbage, debris or other hazardous, noxious or unhealthy substances or materials from the property must be completed within 120 days from the date of the mailing of the notice.
 - C. File a notice of lien against the real estate for the cost, including attorneys' fees, of the demolition, repair, enclosure, or removal within 180 days after the repair, demolition, enclosure, or removal occurred, for the cost and expense incurred, in the Office of the Richland County Recorder. The notice of lien shall consist of a sworn statement setting forth (i) a description of the real estate, such as the address or other description of the property, sufficient for identification; (ii) the expenses incurred by the City in undertaking the remedial actions authorized under this Section; (iii) the date or dates the expenses were incurred by the City; (iv) a statement by the Code Enforcement Officer that the building was open and vacant and constituted an immediate and continuing hazard to the community; (v) a statement by the Code Enforcement Officer that the required sign was posted on the building, that notice was posted on the building, that notice was sent by certified mail to the owners of record, and that notice was published and recorded in accordance with this Section; and (vi) a statement as to when and where the notice was published.
 - D. File an action to foreclose the lien referenced above to sell the property at a foreclosure sale to actually recover all costs and expenses incurred. (Ord. 2020-47 §1: Ord. 00-3, Sec. 1: Ord. 98-128 § 1: Ord. 98-12 § 1)

Section 15.32.060 Violation--Penalty.

Whoever violates any provisions of this chapter shall be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. A separate offense shall be deemed committed on each day during or on which the violation occurs or continues. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Editorially amended during 1999 codification; prior code § 151.99)

Chapter 15.36

DEMOLITION OF STRUCTURES

Sections:

15.36.010	Permit required.
15.36.020	Application for permit.
15.36.030	Required procedures.
15.36.040	Liability insurance.
15.36.050	Inspection of premises.
15.36.060	Approval and issuance of permit.
15.36.070	Permit fees.
15.36.080	Regulations for proceeding with work.
15.36.090	Supervision.
15.36.100	Time limit for demolition.
15.36.110	Violation--Penalty.

Section 15.36.010 Permit required.

It is unlawful to wreck or demolish any building or structure in the City without first securing a permit therefor. (Ord. 81-2 § 1)

Section 15.36.020 Application for permit.

An application for a permit to wreck or demolish any building or structure in the City shall be made in writing to the City Clerk, with a copy to the Building Inspector, and to any utility company serving the premises, and to the owners or agents of adjoining or neighboring premises. Such application shall give the location of the building or structure, the date when wrecking or demolition is to commence and the approximate time which such wrecking or demolition shall take. (Ord. 81-2 § 2)

Section 15.36.030 Required procedures.

The applicant shall insure that the property will be in a proper and safe condition after such wrecking or demolition. By proper and safe condition is meant that all debris is cleared away, that any excavation remaining is either filled in and tamped down, or surrounded by a chain link or masonry fence at least six feet in height, if such property is not to be put to immediate use. If the property is to be used for any purpose within two months of such wrecking or demolition, then adequate barricades shall be installed around the perimeter of such excavation. The premises must also be lighted at night.

If the Building Inspector finds that such property has not been put into the proper condition as provided for in this section, he or she shall notify the property owner that he or she shall have ten days from the receipt of the notice to put the property in proper condition or be subjected to the procedures specified in the Olney City junk ordinance and/or the demolition/repair lien procedure whereby the City would seek a court order to finish the work and charge the cost thereof as a lien against the property. (Ord. 81-2 § 3)

Section 15.36.040 Liability insurance.

A certificate showing that public liability insurance in the amount of fifty thousand dollars (\$50,000.00) has been obtained by the applicant, shall accompany any such application. (Ord. 81-2 § 4)

Section 15.36.050 Inspection of premises.

Before any such permit shall be approved, the Building Inspector shall inspect the premises where the wrecking and demolition work is to take place, and ascertain that provision for proper care has been made so as not to endanger any sewer or water connection with the City sewer and water systems, or any electrical wires or installations or endanger the health of any citizens. (Ord. 81-2 § 5)

Section 15.36.060 Approval and issuance of permit.

If the Building Inspector finds that the terms of this chapter are being complied with by the applicant, he or she shall approve the applicant and issue a permit for such wrecking or demolition. (Ord. 81-2 § 6)

Section 15.36.070 Permit fees.

The following fees shall be collected for a permit for such wrecking or demolition:

Wrecking frame or masonry buildings not exceeding 5,000 square feet	\$ 75.00
Wrecking frame or masonry buildings with more than 5,000 but less than 10,000 square feet	\$150.00
Wrecking frame or masonry buildings with more than 10,000 but less than 20,000 square feet	\$240.00
Wrecking frame or masonry buildings with more than 20,000 but less than 50,000 square feet	\$390.00
Wrecking frame or masonry buildings with more than 50,000 square feet	\$600.00

(Ord. 11-19 § 4: Ord. 98-37 § 3: Ord. 81-2 § 7)

Section 15.36.080 Regulations for proceeding with work.

All work of such wrecking or demolition shall be performed in a workmanlike manner and with the least amount of noise possible. Care should be taken to protect neighboring structures with adequate shoring and whatever else is needful to protect such structures. Signs stating "Wrecking and demolition work going on--No trespassing" shall be erected on each side of the building that faces on a public street or alley. Adequate protection shall be provided to prevent injury to any City or public utility appurtenances. It shall be the duty of all persons working on or responsible for such wrecking or demolition to see that children are warned away from such premises, and are not permitted to play in or on or frequent such structures. (Ord. 81-2 § 8)

Section 15.36.090 Supervision.

The Building Inspector shall supervise such wrecking or demolition and shall inspect such premises at least once daily during such wrecking or demolitions. (Ord. 81-2 § 9)

Section 15.36.100 Time limit for demolition.

Any permit issued hereunder shall be valid for a period not to exceed sixty (60) days. After the passage of sixty (60) days from the date of issuance of such wrecking or demolition permit the permit shall expire; provided, however, applicant may seek renewal for an additional sixty (60) days without additional fee therefor. (Ord. 81-2 § 10)

Section 15.36.110 Violation--Penalty.

Any person, firm or corporation violating any provision of this ordinance shall be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each offense; and a separate offense shall be deemed to be committed on each day during or on which a violation occurs or continues. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Editorially amended during 1999 codification; Ord. 81-2 § 11)

Chapter 15.40

MOBILEHOME PARK CODE

Sections:

- 15.40.00A Article I. General Provisions
- 15.40.010 Title.
- 15.40.020 Scope.
- 15.40.030 Definitions.
- 15.40.040 Minimum standard.
- 15.40.050 Conflict with other regulations.
- 15.40.060 Terms for compliance.
- Article II. Mobilehome Parks
- 15.40.070 Permit for mobilehome park required.
- 15.40.080 License for mobilehome park required.
- 15.40.090 Repealed.
- Article III. Mobilehome Park Site Location, Design and Requirements
- 15.40.100 Site location.
- 15.40.110 Site layout.
- 15.40.120 Fire protection.
- 15.40.130 Service building requirements.
- 15.40.140 Water supply.
- 15.40.150 Sewage disposal.
- 15.40.160 Plumbing regulations.
- 15.40.170 Refuse disposal and pest control.
- 15.40.180 Fuel supply and storage.
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Article I. General Provisions

Section 15.40.010 Title.

This chapter shall be known, referred to and cited as the mobilehome park code of the City of Olney, Illinois. (Ord. 73-31 § 2(1.01): prior code Ch. 95 (part))

Section 15.40.020 Scope.

It is unlawful for any person to establish, operate, maintain or permit to be established, operated or maintained upon any property owned or controlled by him or her any mobilehome park within the jurisdiction of the City, without first having secured a permit and/or license therefor, in compliance with provisions of this code and the zoning ordinance of City of Olney, Illinois. (Ord. 73-31 § 2(1.02): prior code Ch. 95 (part))

Section 15.40.030 Definitions.

Unless the context clearly requires otherwise, the words and phrases set forth in this section shall have the meaning herein set forth below when used in this code. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "shall" is mandatory; the word "may" is permissive.

"Applicant" means any person, firm, corporation, or otherwise making application to construct or operate a mobilehome park under this code.

Building, Accessory. "Accessory building" means a detached subordinate building or structure, the use of which is customarily incidental to that of the main building or structure, and which is located on the same lot with the main building or use.

Building, Principal. "Principal building" means the main building or structure on a lot as distinguished from an accessory building.

"Building service" means a building in which there is provided laundry facilities and other such facilities as may be required or permitted by this code.

City. This term shall refer to, and be interpreted to mean, the City of Olney, Illinois.

"Department" means the Illinois Department of Public Health.

"Dwelling" means any building or portion thereof designed or used exclusively as living quarters for one or more families, other than hotels, motels, tourist homes, clubs, hospitals, or similar uses.

"License" means a certificate issued by the City Clerk permitting the operation of a mobilehome park under the provisions of this code and the applicable provisions of the zoning ordinance.

"Lot" means a portion or parcel of land (whether a portion of a platted subdivision or otherwise) occupied or intended to be occupied by a building or use and its accessories, together with such yards as are required under the provisions of this chapter, having not less than the minimum area, width and depth required by this chapter, for a lot in the district in which such land is situated, and having its principal frontage on a street or on such other means of access as permitted in accordance with the provisions of this chapter. The minimum area of a lot as defined herein must be an integral unit of land under unified ownership in fee or in co-tenancy, or under legal control tantamount to such ownership, which ownership or control must continue for the existence of the building or buildings permitted to be situated on the lot. In the case of any industrial or manufacturing plant in an I district under one ownership, "lot" shall mean and include the entire area of land owned and used by the industry.

"Mobilehome" means any vehicle or similar portable structure used or so constructed as to permit its being used as a conveyance upon the public streets or highways and designed to permit the occupancy thereof as a dwelling place for one or more persons; provided that any such structure resting in whole on a permanent foundation, with wheels, tongue and hitch permanently removed, shall not be construed as a mobilehome. (See definition: "travel trailer.")

Mobilehome, Dependent. "Dependent mobile-home" means a mobilehome which does not have toilet and bath or shower facilities.

Mobilehome, Independent. "Independent mobile-home" means a mobilehome with self-contained toilet and bath or shower facilities.

"Mobilehome pad" means that portion of the mobilehome space designed to be occupied by the mobilehome.

"Mobilehome park" means an area of land under unified ownership and control on which five or more occupied mobilehomes are harbored either free of charge or for revenue purposes and shall include any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such mobilehome park.

"Mobilehome space" means any portion of a mobilehome park designed for the use or occupancy of one mobilehome.

"Permit" means a certificate issued by the Zoning Officer permitting the construction or alteration of a mobilehome park under the provisions of this code and the zoning ordinance.

"Person" means any individual, firm, corporation or otherwise making application to construct or operate a mobilehome court under these regulations.

"Residence" means a stationary detached principal building designed for or used as a dwelling as distinguished from a mobile (dwelling) home. A mobilehome with the wheels and tongue removed and placed on a permanent foundation shall be deemed a stationary residence.

"Rules and regulations" means the Manufactured Home Community Code and other rules and regulations adopted pursuant to the Mobile Home Park Act of the state of Illinois as issued and in force by the state of Illinois Department of Public Health.

"Travel trailer" means a mobilehome eight feet or less in width and less than thirty-five (35) feet in length, which is designed for temporary occupancy, generally for vacation purposes; "travel trailer" shall include camping trailer within the limits of said dimensions, mounted on a motor vehicle or otherwise.

"Zoning ordinance" means the zoning ordinance of the City. (Ord. 11-11 § 1: Ord. 73-31 § 2(1.03): prior code Ch. 95 (part))

Section 15.40.040 Minimum standard.

The Manufactured Home Community Code and any other mobilehome park rules and regulations adopted by the Illinois Department of Public Health, as amended from time to time and as are in effect, shall be the minimum standard and/or requirement acceptable to the City Council; excepting, however, when a higher standard and/or requirement shall be met. (Ord. 11-11 § 2: Ord. 73-31 § 2(7.01): prior code Ch. 95 (part))

Section 15.40.050 Conflict with other regulations.

This code shall supercede such other ordinance or parts of other ordinances of the City in conflict with the provisions of this code, provided that nothing herein shall in any way excuse or prevent prosecution of any previous or existing violation of any ordinance superceded hereby. Whenever this code imposes a greater restriction than is imposed and required by other provisions of law or by other rules or regulations or resolutions, the more restrictive requirement shall apply. (Ord. 73-31 § 2(7.02): prior code Ch. 95 (part))

Section 15.40.060 Terms for compliance.

All mobilehome parks within the zoning jurisdiction of the City shall comply with all applicable provisions of this code and the zoning ordinance within five years, except that all mobilehome parks with less than four thousand (4,000) square feet per mobilehome space shall meet the minimum required square feet per mobilehome space within ten years. (Ord. 73-31 § 2(7.04): prior code Ch. 95 (part))

Article II. Mobilehome Parks

Section 15.40.070 Permit for mobilehome park required.

A. No building permit to construct a mobilehome park shall be issued unless the application has been approved by the Zoning Officer. In order to obtain approval of the Zoning Officer to construct or to make alterations therein, the applicant shall file in accordance with the applicable provisions set forth in the zoning ordinance. In addition to the documents and information required by the zoning ordinance, the applicant shall submit with the application the following materials:

1. The full name and address of the applicant or applicants, or names and addresses of the partners if the applicant is a partnership, or the names and addresses of the officers if the applicant is a corporation, and the present or last occupation of the applicant at the time of the filing of the application;

2. The location and legal description of the tract of land upon which it is proposed to operate and maintain a mobilehome park;

3. Proposed and existing facilities at the mobilehome park for sewage, garbage and waste disposal; for water supply; fire protection; and for a sanitary community building, if provided; and the proposed alterations therein and maintenance thereof;

4. The proposed method of lighting the structures and land upon which the mobilehome park is to be located;

5. The plot plans of the mobilehome park, building plans and specifications for existing buildings and facilities, or the plans and specifications for new buildings and facilities for the proposed alterations in existing facilities, all as may be required by the provisions of this code and the rules and regulations of the Illinois Department of Public Health;

6. An affidavit of the applicant as to the truth of the matters contained in the application shall be attached thereto. Each application shall be accompanied by an application fee of twenty-five dollars (\$25.00). Each application shall be paid to the City Clerk; the application fee, once paid to the City Clerk, shall not be refunded.

B. Amendment of the Site Plan. If approval has been given to construct a mobilehome park, the applicant may amend the permanent site plan upon the consent of the Planning Commission. Such change or changes shall comply with the zoning ordinance, safety and sanitary code, building code and the rules and regulations of the Illinois Department of Public Health as are applicable thereto. (Ord. 73-31 § 2(2.01): prior code Ch. 95 (part))

Section 15.40.080 License for mobilehome park required.

A. Inspection for Conformity. If a permit to construct a mobilehome park has been issued, the applicant, upon completion thereof, shall notify the Zoning Officer. The Zoning Officer shall then inspect the mobilehome park to determine whether the provisions of this code, the zoning ordinance, other applicable ordinances and rules and regulations have been complied with and shall forward its findings and report to the City Manager. If the City Manager finds the mobilehome park constructed in accordance with the accepted application, the City Clerk shall issue the license.

The Zoning Officer is authorized to enter upon the premises of any existing mobilehome park or any proposed mobilehome park for which a permit or license has been issued at any reasonable time without further authorization in order to inspect and perform the duties as provided for herein. The Zoning Officer shall inspect, at least two times each year, each mobilehome park licensed under the provisions of this code to determine the compliance thereto and shall note, and shall act upon, each violation.

B. Refusal and Revocation of License. Any person refused a license or whose license is suspended or revoked shall have the right to a hearing before the City Council. The City Council shall notify, in writing, the applicant or licensee stating the reasons for refusal or revocation of license. The applicant or licensee must submit a request for a hearing before the City Council in writing within thirty (30) days of receipt of the notice of refusal or revocation of the license.

C. Issuance of Licenses, Expiration and Renewal. No person shall establish, maintain, conduct or

operate a mobilehome park after the adoption of this code without first obtaining a license therefor from the City Clerk. Such license shall expire on May 14th of each year and a new license may be issued upon application, including evidence of a current state license for the mobilehome park, and payment of the annual license fee provided the applicant is in compliance with the provisions of this code. All licenses to operate a mobilehome park shall be prominently displayed in the office of the mobilehome park. All licenses issued under this code shall be nontransferable without the written consent of the licensor.

In addition to the application and permit fees provided herein, the licensee shall pay the City Clerk on or before May 15th of each year an annual license fee which shall be fifty dollars (\$50.00).

The City Clerk may issue supplemental licenses for additional mobilehome spaces when they are to be occupied before the end of the license year, provided that such additional spaces have been inspected by the Zoning Officer and approved in writing by the Planning Commission and the City Council and further provided that, when applicable, the requirements of Section 15.40.070 have been complied with.

Each license fee shall be paid to the City Clerk. Any license fee for any part thereof, once paid to and accepted by the City Clerk, shall not be refunded. (Ord. 11-11 § 3: Ord. 73-31 § 2(2.02): prior code Ch. 95 (part))

Section 15.40.090 Repealed.

(Ord. 11-11 § 4: Ord. 73-31 § 2(2.03): prior code Ch. 95 (part))

Article III. Mobilehome Park Site Location, Design and Requirements

Section 15.40.100 Site location.

A. Each mobilehome park licensed or to be constructed under the provisions of this code shall be constructed, operated and maintained in accordance with the requirements of this article.

B. Any mobilehome park shall be located on a well-drained site, and shall be located so that its drainage will not constitute hazard or nuisance to persons, property or water supply in the immediate vicinity of the site. Mobilehome parks shall be made free from marshes, swamps or other potential breeding places for insects or rodents. Park sites shall not be subject to flooding or ponding, fire or safety hazards, and shall not be exposed to nuisances, such as undue noise, smoke, fumes or odors. The topography should be favorable to minimum grading, mobilehome placement and ease of maintenance. Initial site grades should not exceed eight percent. (Ord. 73-31 § 2(3.01): prior code Ch. 95 (part))

Section 15.40.110 Site layout.

A. The arrangement of mobilehomes within the mobilehome park shall conform to the applicable provisions of the zoning ordinance.

B. Paved walkways at least four feet wide shall be provided from mobilehome spaces to services buildings and along both sides of all access roads. Walkways shall be constructed of portland cement concrete with a thickness of not less than four inches. All walkways shall have an average illumination level of at least 0.6 footcandle.

C. All driveways or accessways providing ingress and egress for the mobilehome park, between the out boundary property line of mobilehome park and the improved surface of any public road, shall be constructed in accordance with the provisions and requirements of the subdivision regulations of the City for public streets.

1. Driveways or accessways within the mobilehome park shall be constructed eight inches C A 6 stone or gravel with a surface course of two and one-half inches Class B plant mix.

2. Driveways or accessways within the mobilehome park shall have a driving surface of not less than twenty-eight (28) feet in width and shall be bounded by a vertical concrete curb and gutter not less than six inches in thickness and having a minimum width of twenty-four (24) inches.

D. All mobilehomes shall be placed on a mobilehome pad constructed of portland cement concrete

not less than six inches in thickness.

E. All off-street parking spaces shall be in accordance with the applicable provisions of the zoning ordinance and shall have a dustless all-weather surface. (Ord. 73-31 § 2(3.02): prior code Ch. 95 (part))

Section 15.40.120 Fire protection.

Mobilehomes in mobilehome parks shall be equipped with fire extinguishers in working order, one in each end of the mobilehome in accordance with NFPA standards. (Ord. 73-31 § 2(3.03): prior code Ch. 95 (part))

Section 15.40.130 Service building requirements.

A convenience service building providing laundry facilities and/or office storage accommodations may be constructed in the mobilehome park. However, if such building and facilities are provided, the following regulations shall apply:

A. Such building shall be located at least fifteen (15) feet from any mobilehome space;

B. Shall be conveniently located, constructed in accordance with applicable building codes, having good natural and artificial lighting, adequate ventilation and floors of concrete or similar impervious materials;

C. An adequate supply of hot and cold water shall be provided at all times in the convenience service building for laundry facilities. (Ord. 73-31 § 2(3.04): prior code Ch. 95 (part))

Section 15.40.140 Water supply.

A. The water distribution system serving the confines of the mobilehome park shall consist of mains not less than six inches in diameter approved cast iron pipe with Mueller hydrants located not less than every three hundred (300) feet. The hydrants shall have one four-and-one-half-inch steamer connection and two two-and-one-half-inch ports. The plans and specifications shall be as approved by the City Engineer and the Department of Public Health. All standards of these agencies for chlorination and testing of the water system shall be complied with by the applicant.

B. An independent water supply to serve the mobilehome park may be permitted only after a permit to connect onto a public water system has been denied. The system shall be designed to deliver at the hydrant port a minimum water flow of two thousand five hundred (2,500) gallons for one hour. All mains shall be not less than six inches in diameter approved cast iron pipe with Mueller hydrants, which shall have one four-and-one-half-inch steamer connection and two two-and-one-half-inch ports. All plans and specifications must be approved by the City Engineer and the Department of Public Health. All standards of these agencies for chlorination and testing of the water system shall be complied with by the applicant. (Ord. 73-31 § 2(3.05): prior code Ch. 95 (part))

Section 15.40.150 Sewage disposal.

A. Each mobilehome shall be served by a central sewage collection system and each mobilehome shall be provided with a sewer connection. The sewer connection shall be provided with suitable fittings so that a water-tight, self-draining connection can be made between the mobilehome and the sewer connection. Such individual mobilehome connection shall be so constructed so that they can be closed when not linked to a mobilehome and shall be so trapped as to prevent any escape of odor or gas. No water or waste shall be allowed to fall on the ground from a mobilehome. The plans and specifications of the sewage collection system shall be approved by the Illinois Department of Public Health. Septic tank practices shall not be permitted.

B. Where public sewage collection system is within a reasonable distance, connection shall be made thereto and said public system shall be used exclusively. An independent sewage system to serve the mobilehome park shall be permitted only after a permit has been denied to connect onto a public sewage collection system, expressed approval has been granted in writing by the City Council, and the plans and

specifications for the sewage system have been approved by the state Department of Public Health. (Ord. 73-31 § 2(3.06): prior code Ch. 95 (part))

Section 15.40.160 Plumbing regulations.

All plumbing in the mobilehome park shall comply with the plumbing codes and regulations as established by the state of Illinois and shall be inspected and approved by a licensed plumber. (Ord. 73-31 § 2(3.07): prior code Ch. 95 (part))

Section 15.40.170 Refuse disposal and pest control.

A. The storage, collection and disposal of refuse in the mobilehome park shall be so managed as to create no health hazard, rodent harborage, insect breeding areas, accident hazards, or air pollution. All refuse shall be stored in fly-tight, water-tight, rodent-proof containers which shall be provided in sufficient number and capacity to accommodate all refuse from the mobilehome park. Satisfactory container racks or holders shall be provided at permanent locations convenient to mobilehome spaces, in areas appropriately and visually screened. Incinerators shall not be permitted. Methods of storage, collection and disposal shall comply with the rules and regulations set forth by the Illinois Department of Public Health.

B. Adequate insect and rodent control measures shall be employed. All buildings and structures shall be fly and rodent-proof. Rodent harborages shall not be permitted to exist in the park. (Ord. 73-31 § 2(3.08): prior code Ch. 95 (part))

Section 15.40.180 Fuel supply and storage.

All handling and storage of natural gas, liquefied petroleum gas (LPG), fuel oil, or other flammable liquid or gases should be installed and maintained in accordance with applicable state and City codes and regulations. The Illinois Department of Law Enforcement (Division of Fire Prevention) is the regulatory state agency for safe fuel storage and handling systems and the applicable regulations are the National Fire Protection Association Standards, NFPA-31 "Installation of Gas Appliances and Gas Piping-1969," and NFPA-58 "Storage and Handling of Liquefied Petroleum Gases-1969." No LPG or fuel oil container shall be placed inside or beneath any mobilehome, storage cabinet, carport, or any other structure. Containers of fuel shall be at least five feet from any mobilehome door or exits, and placed on stands constructed on a noncombustible material. Oil fuel containers shall be properly vented and shall not exceed three hundred (300) gallon capacity; liquid petroleum and other such gaseous fuel containers shall not exceed five hundred (500) gallon capacity. (Ord. 73-31 § 2(3.09): prior code Ch. 95 (part))

Section 15.40.190 Electrical distribution lines and service.

All electrical distribution lines shall be at least eighteen (18) inches below ground surface and at least one foot radial distance from sewer, water, gas or communication lines. All electrical distribution systems and exterior lighting shall be in accordance with Rules 4.11 and 4.13 of the rules and regulations. (Ord. 73-31 § 2(3.10): prior code Ch. 95 (part))

Article IV. Supplementary Regulations

Section 15.40.200 Dependent mobilehomes.

A dependent mobilehome shall not be located in any mobilehome park within the City. (Ord. 73-31 § 2(4.01): prior code Ch. 95 (part))

Section 15.40.210 Accessory buildings, alterations and additions.

No permanent addition shall be built onto or become part of any mobilehome. Temporary structures shall be permitted in accordance with the following provisions and requirements:

A. All mobilehomes shall be skirted, but such skirting shall not attach the mobilehome permanently to the ground, provide a harborage for rodents or create a fire hazard. Such skirting so installed shall be of fire-resistant materials and shall be equipped with inspection doors.

B. Cabanas, patios or porches of which at least one side must be open except for screening for insects.

C. Structures having an area not exceeding one hundred (100) square foot area shall be entirely enclosed if utilized for storage purposes only.

D. A building permit shall be required for any such addition or alteration and such structures shall be constructed of fire-resistant materials. (Ord. 73-31 § 2(4.02): prior code Ch. 95 (part))

Section 15.40.220 Jacks and stabilizers.

Jacks or stabilizers shall be placed under the frame of the mobilehome to prevent movement on the springs while the mobilehome is parked and occupied. (Ord. 73-31 § 2(4.03): prior code Ch. 95 (part))

Section 15.40.230 Anchoring.

At least four anchors or tie-downs shall be provided for each mobilehome such as cast-in-place concrete, "dead men" eyelets imbedded in concrete, screw augurs or arrowhead anchors. Each device shall be able to sustain a minimum load of four thousand eight hundred (4,800) pounds as recommended by the Department of Defense, Defense Civil Preparedness Agency publication TR-75 entitled "Protecting Mobile Homes From High Winds." (Ord. 73-31 § 2(4.04): prior code Ch. 95 (part))

Section 15.40.240 Mobilehome space--Minimum size.

The minimum size of a mobilehome space shall be as provided in Chapter 17.80 of Title 17. (Ord. 73-31 § 2(4.05): prior code Ch. 95 (part))

Section 15.40.250 Standards of construction.

Any mobilehome used for human habitation and located within the jurisdiction of the City shall meet the United States of America Standards Institute A119.1, 1969 edition, as revised periodically. (Ord. 73-31 § 2(4.06): prior code Ch. 95 (part))

Section 15.40.260 Display title.

All mobilehomes shall display a certificate of title in accordance with the instructions of the Illinois Secretary of State. (Ord. 73-31 § 2(4.07): prior code Ch. 95 (part))

Section 15.40.270 Public hazards prohibited.

Automobiles which are not in operating condition, junk, trash or other refuse shall not be permitted to be maintained in the mobilehome park. (Ord. 73-31 § 2(4.08): prior code Ch. 95 (part))

Article V. Registration and Supervision

Section 15.40.280 Registration of occupants.

Each mobilehome park shall be provided with a custodian's office where each mobilehome entering such park shall be assigned to a site, given a copy of the park rules and registered according to the prescribed form. Such registration shall include the name and address of the owner and every occupant of such mobilehome and the square feet of floor space contained in such mobilehome. Such registration shall also include the license number of such mobilehome and of the towing vehicle, if there be any, and the state issuing such licenses. The register shall be signed by the owner or operator of the mobilehome. Any

person furnishing misinformation for purposes of registration, upon conviction, shall be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each offence. All registration records shall be maintained, and no registration records shall be destroyed until six years have elapsed following the date of registration. The register shall be available at all times for inspection by all law enforcement officers and by the Department. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Ord. 73-31 § 2(5.01): prior code Ch. 95 (part))

Section 15.40.290 Communicable disease--Reporting.

It shall be the duty of every owner, or operator, or attendant of any mobilehome park to report to the Department the full name, age, any address of every person who is affected or suspected of being affected with any reportable or communicable disease. (Ord. 73-31 § 2(5.02): prior code Ch. 95 (part))

Section 15.40.300 Maintenance of park facilities.

The management of every mobilehome park shall assume full responsibility for maintaining in good repair and condition all roadways and accessways, and all sanitary and safety appliances in said park and shall promptly bring such action as is necessary to prosecute or reject from said park any person or persons who wilfully and maliciously damage such appliances, or any person or persons who fail to comply with the regulations of this code. (Ord. 73-31 § 2(5.03): prior code Ch. 95 (part))

Article VI. Compliance, Enforcement and Penalties

Section 15.40.310 Continuing compliance with regulations.

The person to whom license for a mobilehome park is issued or transferred to shall at all times operate the park in compliance with this code and regulations issued thereunder and the Manufactured Home Community Code and any other rules and regulations adopted by the Illinois Department of Public Health pursuant to the Mobile Home Park Act, and shall provide supervision to maintain the park, its facilities and equipment in good repair and in a clean, orderly and sanitary condition at all times. The license issued by the City Clerk shall be conspicuously posted in the office of the mobilehome park at all times. (Ord. 11-11 § 5: Ord. 73-31 § 2(6.01): prior code Ch. 95 (part))

Section 15.40.320 Revocation of license.

Any license issued to operate and maintain a mobilehome park shall be subject to revocation or suspension by the Zoning Officer; however, the Zoning Officer shall first serve or cause to be served upon the licensee a written notice in which shall be specified the way or ways in which such licensee has failed to comply with the provisions of this code, or any rules or regulations promulgated by the City or the Illinois Department of Public Health pertaining thereto. Said notice shall require the licensee to remove or abate such nuisance, unsanitary or objectionable condition, or other objectionable violation specified in such notice within five days. For the purposes of this article, objectionable condition shall include in its meaning a failure to comply with the provisions of Section 15.40.260 of this code. If the licensee fails to comply with the terms and conditions of said notice within the terms and conditions of said notice within the time specified or such extended period of time, the Zoning Officer may revoke or suspend such license, subject to the right to a hearing before the City Council. (Ord. 11-11 § 6: Ord. 73-31 § 2(6.02): prior code Ch. 95 (part))

Section 15.40.330 Enforcement.

A. Except as otherwise provided in this code the Zoning Officer shall administer and enforce this code, including the receiving of applications, the inspection of premises and the issuing of building and other permits and certificates of occupancy. No building or other permit or certificate of occupancy shall be issued by the Zoning Officer except where the provisions of this code have been complied with.

B. Whenever any building work or other activity is being done contrary to the provisions of this code or in case of any other violation of this code, the Zoning Officer, his or her deputy or his or her authorized representative may order the work stopped by notice in writing served on any person engaged in doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the Zoning Officer, or his or her authorized representative, to proceed with the work. (Ord. 73-31 § 2(6.03): prior code Ch. 95 (part))

Section 15.40.340 Violation--Penalty.

A. A violation by any person, corporation or otherwise, whether as principal agent, employee or otherwise, of any provision of this code shall be a misdemeanor and shall be subject to a fine not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each day of the continued violation. If more than one provision is violated, each provision violated shall be considered a separate offense and shall be liable to the maximum penalties as herein specified.

B. Nothing herein shall limit any other right or remedy of the City or person of interest, including the right to obtain an injunction of any violation from a court of competent jurisdiction. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Ord. 11-11 § 7: Editorially amended during 1999 codification; Ord. 73-31 § 2 (6.04): prior code Ch. 95 (part))

Chapter 15.44

DEVELOPMENT IN FLOODPLAIN AREAS

Sections:

15.44.010	Purpose.
15.44.020	Definitions.
15.44.030	Base flood elevation.
15.44.040	Duties of the Building Official.
15.44.050	Development permit.
15.44.060	Preventing increased flood heights and resulting damages.
15.44.070	Protecting buildings.
15.44.080	Subdivision and other development requirements.
15.44.090	Variances.
15.44.100	Disclaimer of liability.
15.44.110	Violation--Penalty.

Section 15.44.010 Purpose.

This chapter is enacted pursuant to the police powers granted to this City by provisions in the Illinois Municipal Code (65 Illinois Compiled Statutes 5/1-2-1, 5/11-12-12, 5/11-13-1, 5/11-30-2, 5/11-30-8, and 5/11-31-2) in order to accomplish the following purposes:

- A. To prevent unwise developments from increasing the flood or drainage hazards to others;
- B. To protect new buildings and major improvements to buildings from flood damage;
- C. To promote and protect the public health, safety, and general welfare of the citizens from the hazards of flooding;
- D. To lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;
- E. To maintain property values and a stable tax base by minimizing the potential for creating blighted areas;
- F. To make federally subsidized flood insurance available; and
- G. To recognize the environmental sensitivity of floodplains and to encourage their protection from inappropriate growth and development. (Ord. 02-23, Sec. 1)

Section 15.44.020 Definitions.

For the purposes of this chapter, the following definitions are adopted:

"Base flood" means the flood having a one-percent probability of being equaled or exceeded in any given year. The base flood is also known as the one hundred (100) year flood. The base flood elevation at any location is as defined in Section 15.44.030.

"Base flood elevation" (BFE) means the elevation in relation to mean sea level of the crest of the base flood.

"Building" means a structure that is principally above ground and is enclosed by walls and a roof including manufactured homes and prefabricated buildings. The term also includes recreational vehicles and travel trailers to be installed on a site for more than one hundred eighty (180) days.

"Development" means:

- 1. Any man-made change to real estate including, but not necessarily limited to:
 - a. Construction, reconstruction, or placement of a building, or any addition to a building, exceeding seventy (70) square feet in floor area;
 - b. Substantial improvement of an existing building;

- c. Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than one hundred eighty (180) days;
 - d. Installation of utilities, construction of roads, bridges, culverts or similar projects;
 - e. Construction or erection of levees, dams, walls, or fences;
 - f. Drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;
 - g. Storage of materials including the placement of gas and liquid storage tanks; and
 - h. Channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.
2. "Development" does not include:
- a. Maintenance of existing buildings and facilities;
 - b. Resurfacing roads; or
 - c. Gardening, plowing, and similar practices that do not involve filling, grading, or construction of levees.

"FEMA" means Federal Emergency Management Agency.

"Flood" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

"Flood fringe" means that portion of the floodplain outside of the regulatory floodway.

"Flood Insurance Rate Map" means a map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

"Floodplain" and "special flood hazard area (SFHA)" are synonymous and mean those lands within the jurisdiction of the City that are subject to inundation by the base flood. The floodplains of the City are generally identified as such on the Flood Insurance Rate Map of the City prepared by the Federal Emergency Management Agency and dated September 4, 1985.

The floodplains of those parts of unincorporated Richland County that are within the extraterritorial jurisdiction of the City or that may be annexed into the City are generally identified as such on the Flood Hazard Boundary Map prepared for the County by the Federal Emergency Management Agency and dated November 1, 1984.

"Floodproofing" means any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.

"Floodproofing Certificate" means a form published by the Federal Emergency Management Agency that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.

"Flood protection elevation" or "FPE" means the elevation of the base flood plus one foot of freeboard at any given location in the floodplain.

"Floodway" means that portion of the floodplain required to store and convey the base flood. The floodway for each of the floodplains of the City shall be as delineated on the Flood Insurance Rate Map prepared by FEMA and dated September 4, 1985, and according to the best data available from federal, state, or other sources.

"IDNR/OWR" means Illinois Department of Natural Resources/Office of Water Resources.

"Manufactured home" means a structure transportable in one or more sections, that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.

"NFIP" means National Flood Insurance Program.

"SFHA" See definition of floodplain.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (a) before the improvement or repair is started or (b) if the structure has been damaged, and is being restored, before the

damage occurred.

"Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

"Travel trailer" (or recreational vehicle) means a vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less in size;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily for use as temporary living quarters for recreational, camping, travel, or seasonal use and not as a permanent dwelling. (Ord. 02-23, Sec. 1)

Section 15.44.030 Base flood elevation.

This chapter's protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party may finance the detailed engineering study needed to replace the existing data with better data and submit it to the Federal Emergency Management Agency for approval.

A. The base flood elevation for each of the floodplains delineated as an "A Zone" on the Flood Insurance Rate Map of the City prepared by the Federal Emergency Management Agency and dated September 4, 1985, shall be according to the best data available from federal, state or other sources. Should no other data exist, an engineering study must be financed to determine base flood elevations.

B. The base flood elevation for the floodplains of those parts of unincorporated Richland County that are within the extraterritorial jurisdiction of the City, or that may be annexed into the City, delineated as an "A Zone" on the Flood Hazard Boundary Map prepared for the County by the Federal Emergency Management Agency and dated November 1, 1984, shall be according to the best data available from federal, state or other sources. Should no other data exist, an engineering study must be financed to determine base flood elevations. (Ord. 02-23, Sec. 1)

Section 15.44.040 Duties of the Building Official.

The Building Official shall be responsible for the general administration of this chapter and ensure that all development activities within the floodplains under the jurisdiction of the City meet the requirements of this chapter. Specifically, the Building Official shall:

- A. Process development permits in accordance with Section 15.44.050;
- B. Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of Section 15.44.060;
- C. Ensure that the building protection requirements for all buildings subject to Section 15.44.070 are met and maintain a record of the "as-built" elevation of the lowest floor (including basement) or floodproof certificate;
- D. Assure that all subdivisions and annexations meet the requirements of Section 15.44.080;
- E. If a variance is requested, ensure that the requirements of Section 15.44.090 are met and maintain documentation of any variances granted;
- F. Inspect all development projects and take any and all actions outlined in Section 15.44.110 as necessary to ensure compliance with this chapter;
- G. Assure that applicants are aware of and obtain any and all other required local, state, and federal permits;
- H. Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;
- I. Provide information and assistance to citizens upon request about permit procedures and

floodplain construction techniques;

J. Cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this chapter; and

K. Maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this chapter. (Ord. 02-23, Sec. 1)

Section 15.44.050 Development permit.

No person, firm, corporation, or governmental body not exempted by state law shall commence any development in the floodplain without first obtaining a development permit from the Building Official. The Building Official shall not issue a development permit if the proposed development does not meet the requirements of this chapter.

A. The application for development permit shall be accompanied by:

1. Drawings of the site, drawn to scale showing property line dimensions;
2. Existing grade elevations and all changes in grade resulting from excavation or filling;
3. The location and dimensions of all buildings and additions to buildings; and
4. The elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 15.44.070 of this chapter.

B. Upon receipt of an application for a development permit, the Building Official shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by survey data to have been higher than the base flood elevation as of the date of the site's first Flood Insurance Rate Map identification is not in the floodplain and therefore not subject to the requirements of this chapter. The Building Official shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification. (Ord. 02-23, Sec. 1)

Section 15.44.060 Preventing increased flood heights and resulting damages.

Within the floodway identified on the Flood Boundary and Floodway Map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

A. Except as provided in Section 15.44.060(B), no development shall be allowed which, acting in combination with existing and anticipated development, will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:

1. Barge fleeting facilities meeting the conditions of IDNR/OWR Statewide Permit No. 3;
2. Aerial utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 4;
3. Minor boat docks meeting the conditions of IDNR/OWR Statewide Permit No. 5;
4. Minor, non-obstructive activities meeting the conditions of IDNR/OWR Statewide Permit No. 6;
5. Outfall structures and drainage ditch outlets meeting the conditions of IDNR/OWR Statewide Permit No. 7;
6. Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 8;
7. Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit No. 9;
8. Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit No. 10;
9. Minor maintenance dredging activities meeting the conditions of IDNR/OWR Statewide Permit No. 11; and
10. Any development determined by IDNR/OWR to be located entirely in a flood fringe area.

B. Other development activities not listed in (A) may be permitted only if:

1. A permit has been issued for the work by IDNR/OWR (or written documentation is provided

that an IDNR/OWR permit is not required); and

2. Sufficient data has been provided to FEMA, when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation. (Ord. 02-23, Sec. 1)

Section 15.44.070 Protecting buildings.

A. In addition to the damage prevention requirements of Section 15.44.060, all buildings to be located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:

1. Construction or placement of a new building valued at more than one thousand dollars (\$1,000.00);

2. Substantial improvements made to an existing building;

3. Structural alterations made to an existing building that increase the floor area by more than twenty (20) percent;

4. Installing a manufactured home on a new site or a new manufactured home on an existing site (the building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage); and

5. Installing a travel trailer on a site for more than one hundred eighty (180) days.

B. Residential or non-residential buildings can meet the building protection requirements by one of the following methods:

1. The building may be constructed on permanent land fill in accordance with the following:

a. The lowest floor (including basement) shall be at or above the flood protection elevation;

b. The fill shall be placed in layers no greater than one foot before compaction and should extend at least ten (10) feet beyond the foundation before sloping below the flood protection elevation;

c. The fill shall be protected against erosion and scour during flooding by vegetative cover, rip rap, or other structural measure:

d. The fill shall be composed of rock or soil and not incorporate debris or refuse materials; and

e. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary, stormwater management techniques such as swales or basins shall be incorporated; or

2. The building may be elevated in accordance with the following:

a. The building or improvements shall be elevated on stilts, piles, walls, or other foundation that is permanently open to flood waters;

b. The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation;

c. If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exist of flood waters. Designs must either be certified by a registered professional engineer to provide adequate flow to equalize hydrostatic pressure or provide a minimum of one permanent opening on each wall, no more than one foot above grade. The openings shall provide a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding below the base flood elevation;

d. The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to hydrodynamic forces such as current, waves, ice and floating debris;

e. The finished interior grade shall not be less than the finished exterior grade;

f. All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage;

g. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed; and

h. The area below the flood protection elevation shall be used solely for parking or building access and not occupied as habitable space or used for the storage of materials.

3. Manufactured homes, or travel trailers to be installed on site for more than one hundred eighty (180) days, shall be:

a. Elevated to or above the flood protection elevation; and

b. Shall be anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the Rules and Regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 IL Adm. Code 870.

4. Non-residential buildings may be structurally dry floodproofed (in lieu of elevation) provided a registered professional engineer or architect certifies that:

a. Below the flood protection elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood;

b. The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and impact from debris and ice; and

c. Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.

Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this subsection. (Ord. 02-23, Sec. 1)

Section 15.44.080 Subdivision and other development requirements.

The City Council shall take into account flood hazards, to the extent that they are known, in all official actions related to land management use and development.

A. New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protection standards of Sections 15.44.060 and 15.44.070 of this chapter. Any proposal for such development shall include the following data:

1. The base flood elevation and the boundary of the floodplain (where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation);

2. The boundary of the floodway when applicable; and

3. A signed statement by a Registered Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 205/2).

B. Public health standards must be met for all floodplain development. In addition to the requirements of Sections 15.44.060 and 15.44.070, the following standards apply:

1. No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a storage tank or floodproofed building constructed according to the requirements of Section 15.44.070 of this chapter.

2. Public utilities and facilities such as sewer, gas, and electric shall be located and constructed to minimize or eliminate flood damage.

3. Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

4. New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight.

C. All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages. (Ord. 02-23, Sec. 1)

Section 15.44.090 Variances.

Whenever the standards of this chapter place undue hardship on a specific development proposal, the applicant may apply to the Board of Appeals for a variance. The procedures for filing a application and

for the conduct of hearings shall be the same as Section 17.92.030 of Title 17, including the mailing of notices to adjoining property owners. The Board of Appeals shall review the applicant's petition for a variance and shall either grant or deny the variance. The Board of Appeals may attach such conditions to granting of a variance as it deems necessary to further the intent of this chapter.

- A. No variance shall be granted unless the applicant demonstrates that:
 - 1. The development activity cannot be located outside the floodplain;
 - 2. An exceptional hardship would result if the variance were not granted;
 - 3. The relief requested is the minimum necessary;
 - 4. There will be no additional threat to public health or safety, or creation of a nuisance;
 - 5. There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities;
 - 6. The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP; and
 - 7. All other required state and federal permits have been obtained.

B. The Building Official shall notify an applicant in writing that a variance from the requirements of the building protection standards Section 15.44.070 that would lessen the degree of protection to a building will:

- 1. Result in increased premium rates for flood insurance up to twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage;
- 2. Increase the risks to life and property; and
- 3. Require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.

C. Variances to the building protection requirements of Section 15.44.070 of this chapter requested in connection with the reconstruction, repair or alteration of a site or building included on the National Register of Historic Places or the Illinois Register of Historic Places may be granted using criteria more permissive than the requirements of Subsection 15.44.090(A)(1-5). (Ord. 02-23, Sec. 1)

Section 15.44.100 Disclaimer of liability.

The degree of protection required by this chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This chapter does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This chapter does not create liability on the part of the City or any officer or employee thereof for any flood damage that results from proper reliance on this chapter or any administrative decision made lawfully thereunder. (Ord. 02-23, Sec. 1)

Section 15.44.110 Violation--Penalty.

Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this chapter. Upon due investigation, the Building Official may determine that a violation of the minimum standards of this chapter exists. The Building Official shall notify the owner in writing of such violation.

- A. If such owner fails after ten days notice to correct the violation:
 - 1. The City will make application to the circuit court for an injunction requiring conformance with this chapter or make such other order as the court deems necessary to secure compliance with the chapter;
 - 2. Any person who violates this chapter shall upon conviction thereof be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00); and
 - 3. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.
- B. The Building Official shall inform the owner that any such violation is considered a willful

act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

C. Nothing herein shall prevent the City from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Ord. 02-23, Sec. 1)

Chapter 15.48

SIGNS

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Section 15.48.010 Purpose

The purpose and intent of this Chapter is to establish comprehensive regulations for the control of graphics and signs in order to preserve, protect and promote the public health, safety, and welfare; to eliminate pedestrian and vehicular traffic hazards; and to enhance the economic vitality and appeal of this community. More specifically, this Chapter is intended to achieve the following objective:

- A. To authorize the use of graphics which are:
 1. Compatible with their surroundings and the zoning district in which they are located,
 2. Expressive of the image this municipality is striving to encourage,
 3. Appropriate to the type of establishment or activity to which they pertain,
 4. Legible in the circumstance in which they are seen;
- B. To promote an attractive urban environment which will enhance the City's economic potential by promoting the reasonable, orderly and effective display of graphics;
- C. To protect and improve the appearance and orderliness of major trafficways and views therefrom, reducing traffic hazards, and enhancing the image of the City derived by residents, businesspersons, commuters and visitors;

D. To enhance the physical appearance of the City by preserving the scenic and natural beauty of the area;

E. To encourage graphics which are in scale and harmony with surrounding uses, which are visually subordinate to the on-site and nearby buildings, which themselves are well-designed, and which have good spacing and design relationships to other graphics;

F. To preserve the value of private property by assuring the compatibility of graphics with surrounding land uses;

G. To protect the physical and mental well-being of the general public by recognizing and encouraging a sense of appreciation for the visual environment;

H. To protect the health, safety and welfare of the people. (Ord. 2001-61, Sec. 1)

Section 15.48.020 Applicability.

This Chapter shall apply to all property within the corporate limits of the City, except for the area within six hundred sixty (660) feet of the nearest edge of the right-of-way of U. S. Route 50 which is regulated by the State Highway Control Act, 225 ILCS 440/1 through 440/16, and as it may hereafter be amended. For purposes of clarification, primary highways, except U. S. Route 50, are not exempted from regulation under this Chapter, even though the State Highway Advertising Control Act also regulates advertising adjacent to such highways. (Ord. 2001-61, Sec. 1)

Section 15.48.030 Interpretation.

Every provision of this Chapter shall be construed liberally in favor of the City and every requirement imposed herein shall be deemed minimal. Whenever the requirements of this Chapter differ from the requirements of any other lawfully adopted ordinance or regulation, the more stringent requirement shall prevail. (Ord. 2001-61, Sec. 1)

Section 15.48.040 Definitions.

The purpose of these provisions is to promote consistency and precision in the interpretation of the graphics ordinance. As used in this Chapter the following terms shall have the meanings indicated below.

“Abandoned sign or graphic” means a sign or graphic which no longer correctly directs or exhorts any person, or advertises a bona fide business, lessor, owner, project or activity conducted or product available on the premises where such sign is displayed.

“Administrator” means the City of Olney’s Code Enforcement Officer/Building Inspector.

“Alter” means to change the size, shape, color, face, height or other similar characteristics of a graphic.

“Amortization” means the elimination of nonconforming graphics over time in accordance with the schedule set forth in this Chapter.

“Appeal” means a procedure whereby any person aggrieved by any decision or order of the Administrator in any matter related to the interpretation or enforcement of this Chapter may seek relief from the Board of Appeals.

“Area” means the total square footage of the entire sign surface, but excluding the supporting structure. If a sign is attached to a building or suspended in any manner whereby there is no apparent trim or confining border, the area shall be the total square footage of the smallest rectangle that will enclose all letters, words, numbers, pictures, designs, sketches and symbols only.

“Awning” means any structure made of cloth, metal or other material attached to a building when the same is so erected as to permit its being raised or retracted to a position against the building when not in use.

“Billboard. See “Off-premises graphic.”

“Building face or wall” means all window and wall area of a building in one place or elevation. Building face shall not include shingled or other roofing area.

“Canopy” means a structure, similar to an awning, made of cloth, metal or other material with frames attached to a building, and carried by a frame supported by the ground or sidewalks.

“Changeable copy sign” means a sign which has the provision for changing the letters or characters whether manually or electronically.

“Establishment” means either of the following:

1. An institutional, business, commercial or industrial activity that is the sole occupant of one or more buildings; or

2. An institutional, business, commercial or industrial activity that occupies a portion of a building such that:

a. The activity is a logical and separate entity from the other activities within the building and not a department of the whole, and

b. The activity has either a separate entrance from the exterior of the building, or a separate entrance from a common and clearly defined entryway that has direct access to the exterior of the building.

“Exempt graphics” means graphics not subject to the provisions of this Chapter as per Section 15.48.190.

“Flashing illumination graphics” means illumination of a graphic wherein such illumination is not maintained constant in intensity, color and pattern during all times the graphic is activated.

“Flush-mounted graphics” means any graphics attached to, erected against, or painted on a wall of a building or structure with the exposed face of the graphic in a plane approximately parallel to the plane of the wall and not projecting more than eighteen (18) inches from the closest point of the wall and not extending more than three feet above the building or structure roof line.

“Freestanding graphics” means a graphic supported by one or more uprights, poles or braces placed in or upon the ground.

“Frontage” means the linear extent of the lot abutting a street or public roadway, except shopping center frontage which is further defined.

“Gasoline and oil service stations” means any business which dispenses, or is designed to dispense, gasoline and/or oil for use in motor vehicles or boats, e.g., automobile and truck service stations, convenience stores with gasoline pumps.

“Graphic” means any identification or advertising sign visible from the public right-of-way or from any parking area used by the general public.

“Graphics for use for a limited period of time” means any graphic, displayed for use for a limited period of time.

“Historic sign status” means a sign or graphic, which in the opinion of a majority of the Board of Appeals, has significant historic significance.

“Lot” means a parcel of land occupied or intended for occupancy by use permitted in Title 17 (Zoning), including one main building together with its accessory buildings, the open spaces and parking space required by Title 17 (Zoning) and having its principal frontage upon a street or upon an officially approved place.

“Marquee” means any basically horizontal awning like structure of permanent construction projecting from the wall of a building.

“Message” means a communication of identification or advertising information visually perceived, which may consist of words, abbreviations, numbers, symbols, pictures, geometric shapes, etc.

“Mobile/portable graphic” is a term commonly used to mean any graphic not designed to be permanently attached to a building or anchored to the ground, and designed to be moved from place to place. Such graphics primarily include but are not limited to signs attached to wood or metal frames designed to be self-supporting and movable; paper, cardboard or canvas signs wrapped around supporting poles.

“Nonconforming graphics” means any graphics which existed on the effective date of this Chapter (or amendment thereto), but which do not comply with the regulations set forth herein.

“Off-premises graphic” means a sign structure advertising an establishment, merchandise, service

or entertainment, which is not sold, produced, manufactured or furnished at the property on which said sign is located.

“Projecting graphics” means any graphics, other than a flush mounted graphic, which is supported by an exterior wall of a building or suspended beneath any awning, canopy or marquee with the exposed face of said graphic in a plane approximately perpendicular to the plane of the wall and projecting more than eighteen (18) inches and no more than three feet from the wall of a building to which it is attached.

“Roof” means any part of the outside top covering of a building, including any eave or other extension of the covering beyond the wall.

“Roof line” means the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette, or the side of the building where the graphic is located.

“Roof-mounted graphic” means any graphic erected, maintained or displayed on the roof of any building or structure.

“Shopping/office center” means any building or group of buildings that is under single ownership or control that provides off-street parking facilities and that is occupied by two or more retail sales and/or nonretail office or service establishments.

“Shopping/office center identification frontage” means lineal frontage of the development abutting a street or public roadway.

“Shopping/office center identification sign” means any sign identifying a building or group of buildings that is under single ownership or control, that provides off-street parking facilities and that is occupied by two or more retail sales and/or nonretail office or service establishments.

“Shopping/office center outlot” means a portion of the original shopping/office center tract sold or otherwise conveyed off to a separately owned or controlled entity.

“Shopping/office center outlot frontage” means the width of the outlot that faces the shopping center frontage.

“Shopping/office center retail and nonretail store front” means the physical limits of the store front.

“Sign” means any object, device, display or structure or part thereof located outside a building which is visible from any lot line, and the primary purpose of which is the conveyance of an idea, advertising, endorsement, identification or information by means of visual symbols, lettering, illustration or any other means of directing attention or communicating a message.

“Street” means a public thoroughfare, maintained by the State of Illinois, township, county or city, which affords the principal means of access to abutting property. (Ord. 2001-61, Sec. 1)

Section 15.48.050 General prohibition.

Any graphic or sign not expressly permitted by this Chapter is prohibited in the City. (Ord. 2001-61, Sec. 1)

Section 15.48.060 Enforcement officer duties.

The Code Enforcement Officer/Building Inspector, referred to herein as the Administrator, is authorized and directed to administer and enforce the provisions of this Chapter. The responsibility includes, but is not limited, to the following:

- A. To supervise the registration of all existing graphics;
- B. To review and approve applications for graphics permits;
- C. To inspect existing and newly constructed graphics to determine compliance with the provisions of this Chapter, and where there exists violations, to initiate appropriate corrective actions;
- D. To review and forward to the Board of Appeals all applications for variances and appeals;
- E. To maintain up-to-date records of said applications and of any official actions taken pursuant thereto;
- F. To periodically review the provisions of this Chapter to determine whether revisions are needed, and to make recommendations on these matters to the Plan Commission and the City Council at

least once each year;

G. To provide information to the general public on matters related to this Chapter. (2001-61, Sec. 1)

Section 15.48.070 Graphic permit - Required.

No sign, billboard or other graphic, except those exempted from the provisions of this Chapter (see Section 15.48.190), shall be erected altered, expanded, relocated or reconstructed without a graphic permit issued by the Administrator.

A. Application For Permit. Application for a graphic permit shall be made on forms provided by the Administrator, and shall include the information listed below:

1. Name, address and telephone number of the applicant;
2. Name, address and telephone number of the owner of the premises on which the graphic is to be erected.
3. Location of the building, structure or lot where the graphic is to be erected and the zone district classification;
4. Description of the graphic indicating location, dimensions, area, height, illumination, and method of support;
5. Position of graphic in relation to nearby buildings, street and traffic control devices;
6. The total area and type of all existing signs, including mobile/portable graphics, on said premises;
7. If application for sign permit is for signage for a building to be newly constructed, a site plan displaying all sign locations, a complete set of final drawings displaying all elevations, and the building permit number; and
8. Such other information as the Administrator shall require to determine full compliance with this Chapter. (Ord. 2001-61, Sec. 1)

Section 15.48.080 Issuance of permits.

Upon the filing of an application for a graphic permit, the Administrator shall examine the plans and specifications and the premises upon which the graphic is to be located. If the proposed graphic meets the requirements of this Chapter, a permit shall be issued within fourteen (14) days of the application. If the graphic does not meet the requirements of this Chapter, the Administrator shall deny the permit and within fourteen (14) days of the application, respond to the applicant in written form. All signs authorized under a graphic permit must be completed within six months after the date of issuance. (Ord. 2001-61, Sec. 1)

Section 15.48.090 Calculation of graphic area.

The area of every graphic or sign shall be calculated as follows:

- A. If the graphic is enclosed by a box or outline, the total area contained within that outline, including the background, shall be deemed the graphic area.
- B. If the graphic consists of individual letters, parts or symbols, only the area of an imaginary square or rectangle which would completely enclose all the letters, symbols and parts shall be deemed the graphic area.
- C. Only one side of any double facing graphics shall be considered in calculating area.
- D. The area of graphics of three-dimensional shape such as boxes, globes, cylinders or pyramids shall be computed as one-half of the total of the exposed surfaces. (Ord. 2001-61, Sec. 1)

Section 15.48.100 Graphic areas allowances and height restrictions.

Within the limitations and restrictions as further provided in this Chapter and Title 17 (Zoning), the total of the areas of all graphics for which permits are required and all mobile/portable signs (whether or not permits are required) which a particular establishment is permitted to display shall be as follows:

- A. The total permitted area of graphics for freestanding graphics, including all mobile/portable

signs, shall not exceed seventy-two (72) square feet in all residential zoning districts. The total permitted area of graphics for freestanding graphics, including all mobile/portable signs, shall not exceed three hundred (300) square feet in the following zoning districts: A-1 (Agricultural District), C-1 (Neighborhood Shopping District), C-2 (Commercial District), C-3 (Central Business District), S-1 (Commercial Recreation District), and S-2 (Resort District). The total permitted area of graphics for freestanding graphics, including all mobile/portable signs, in all industrial zoning districts shall not exceed three hundred (300) square feet.

B. The total permitted area of graphics for off-premise signs in C-2 (Commercial District) shall not exceed seventy-two (72) square feet per lot. The total permitted area of graphics for off-premise signs in all industrial zoning districts shall not exceed three hundred (300) square feet per lot.

C. The side of an establishment adjacent to an off-street parking area shall not be deemed frontage unless the establishment has no other frontage.

D. The maximum height of freestanding signs in all residential zoning districts shall be ten (10) feet. The maximum height of freestanding signs and off-premise commercial signs and billboard advertising in all other zoning districts shall be forty (40) feet. (Ord. 2001-61, Sec. 1)

Section 15.48.110 Illumination.

Illumination of graphics is permitted, subject to the following requirements:

A. No red, yellow, orange, green or other colored light shall be used within two hundred (200) feet of a traffic sign or device.

B. Signs which contain oscillating, rotating, flashing, intermittent or moving light or lights are prohibited, except the following:

1. Signs giving public service information including, but not limited to, time, weather, date and temperature and signs with displays that change not more frequently than once every 60 minutes.

2. Pole supported business or brand identification signs inside business areas with constant illumination and color and in which the only movement is a slow rotation of the entire body of the sign so as to be visible from all directions.

C. Signs which project beams or rays of light at the traveled way or cause such beams or rays to create glare or to impair the vision of a driver of any motor vehicle are prohibited. (Ord. 2001-61, Sec. 1)

Section 15.48.120 Movement prohibited.

No graphic which contains any animated or moving parts shall be permitted in the City. (Ord. 2001-61, Sec. 1)

Section 15.48.130 Obstructions and traffic hazards.

A. No graphic shall be erected, relocated or maintained so as to prevent free access to any door, window, fire escape or driveway.

B. No graphic shall be erected or maintained in such a manner that it interferes with, obstructs the view of, or can be confused with any authorized traffic sign, signal or device. (see also Section 15.48.110(A)). (Ord. 2001-61, Sec. 1)

Section 15.48.140 Structural and maintenance requirements.

A. Every graphic shall be designed and constructed in a manner that is safe and shall conform to the applicable provisions of the building and electrical codes.

B. The Administrator shall have the right under Sections 15.48.150 and 15.48.160 to order the repair and removal of any sign which is defective, damaged, or substantially deteriorated as defined in Section 3107.0 of the International Building Code, Appendix H, most recently adopted by the City. (Ord. 2001-61, Sec. 1)

Section 15.48.150 Unsafe and unlawful graphics.

Whenever the Administrator finds that any graphic or supporting structure is in violation of this Chapter, the Administrator shall notify the responsible party, and shall order the appropriate corrective action.

The notice requirement shall not apply whenever the Administrator determines that any graphic poses an imminent threat of injury to life or property.

A. Contents of Written Notice. The corrective order notice shall be in writing and shall include:

1. Location of the premises upon which the graphic exists;
2. Statement of the nature of the violation;
3. Statement of the corrective action necessary to bring the graphic into compliance;
4. The date by which the violation must be corrected;
5. The date by which an appeal of the corrective order must be filed; and the procedures for filing an appeal;

6. Statement that failure to obey the corrective action order shall result in revocation of the graphic permit, and may result in further remedial action including removal and/or fines.

B. Notification Procedure. A corrective action order notice shall be served to the owner of the graphic by:

1. Personal delivery; or
2. Send by registered mail to last known address. (Ord. 2001-61, Sec. 1)

Section 15.48.160 Remedial action by City.

Whenever the recipient of a corrective action order notice fails to obey said order within the time limit set forth therein or in any emergency, the Administrator may alter/remove the subject graphic or take any other action necessary to effect compliance with this Chapter.

Reimbursement for Expenses:

A. Any expense incurred by this City pursuant to authorized graphic corrective action shall be billed by first class mail to the owner, or agent of the graphic or premises upon which the graphic is located.

B. If said bill has not been paid within thirty (30) days, the Administrator may authorize legal proceedings to ensure compliance and/or collection. (Ord. 2001-61, Sec. 1)

Section 15.48.170 Nonconforming graphics.

A nonconforming graphic is one lawfully erected and existing as of the date that this Chapter became effective, or prior to any amendment hereto, but which does not comply with the regulations set forth herein, or to any applicable amendments hereto. All nonconforming graphics are either subject to amortization for a period of one year from the date this Chapter became effective, or for a period of one year from any amendment hereto as to those rendered unlawful by reason of such amendment, or they are allowed to remain indefinitely under certain conditions (which is sometimes referred to as grandfathering).

A. Nonconforming, One Year Amortization. All nonconforming graphics that are rendered nonconforming by reason of Sections 15.48.120 - 15.48.140, 15.48.180(A)-(C), (E) and (F), and 15.48.190(A)(18) are subject to a one year amortization period from the date that this Chapter becomes effective, and they shall either be removed or brought into compliance with Chapter provisions within the amortization period.

B. Nonconforming, Unlimited (Grandfathered). All other nonconforming graphics shall be allowed to remain and be maintained by ordinary repairs as long as each graphic is registered with the Administrator's office within one year from the effective date of this Chapter, but each such graphic shall not be:

1. Replaced or changed by another nonconforming graphic (provided that changing the color,

face, or message of a graphic shall not be deemed a violation of this provision);

2. Altered or enlarged (provided that changing the color, face, or message of a graphic shall not be deemed a violation of this provision);

3. Relocated unless it is made to conform with this Chapter;

4. Reconstructed after damage or destruction in an amount exceeding fifty (50) percent of its replacement value at the time of the loss;

5. Structurally altered to prolong the life of the graphic.

If the sign is not registered within the registration period then the sign is not grandfathered and is required to be removed or brought into compliance with this Chapter at the expiration of the one year registration period.

This subsection includes signs prohibited under Sections 15.48.210(C) and 15.48.110(B), and all graphics rendered nonconforming under sections other than those listed in subsection A of this Section. The type, location, area, height, size, shape and number of grandfathered graphics shall be included in any calculation when determining compliance of new or altered graphics for each establishment. (Ord. 2001-61, Sec. 1)

Section 15.48.180 Prohibited graphics or signs.

The following graphics or signs are prohibited everywhere in this City:

A. Graphics attached to trees, fences or public utility poles other than warning signs issued by public utilities;

B. Abandoned sign including the posts and other supports which advertise or identify an activity, business, product, or service no longer conducted on the premises where such graphic is located. If the business or service advertised or identified by a nonconforming sign ceases to be conducted for a period exceeding ninety (90) calendar days, the nonconforming sign shall be classified as an “abandoned sign,” and shall be removed by the owner, agent or person having beneficial use of the premises or lot upon which the sign is located within thirty (30) days following receipt of written notice as stated in Section 15.48.150 by the Administrator concerning its removal. The Administrator can take into account the fact that a sign may be resold as part of the sale of a business when presented with documentation depicting such effort should the Administrator decide not to send a written removal notice;

C. Roof-mounted graphic that extends more than three feet above the highest point of the roof;

D. Off-premise signs except as provided in Section 15.48.210(G).

E. Mobile/portable changeable copy signs except as provided under Sections 15.48.190(A)(12) and 15.48.210(E).

F. Signs located within a road right of way, except as otherwise specifically permitted in this Chapter. (2001-61, Sec. 1)

Section 15.48.190 Permitted graphics.

A. Every graphic enumerated below that complies with the indicated requirements may be erected in any zoning district of this City without a permit. The area of such graphics shall not be debited against the displaying establishment’s sign area allowance.

1. Construction signs identifying the architects, engineers, contractors and other individuals or firms involved with the construction, and/or announcing the character or purpose of the building, but not advertising any product. Such signs shall not exceed thirty-two (32) square feet in area, shall be confined to the site of the construction, and shall be removed within ten working days after construction has been completed;

2. On-premise directional signs such as signs identifying entrances, exits, parking areas, no-parking areas, restrooms, public telephones, walkways and similar features or facilities. Such signs shall not exceed six square feet in area;

3. Flags of any country, state or unit of local government;

4. Garage sale signs advertising a garage or yard sale in compliance with Section 17.24.020(J);

5. Governmental or public signs, such as traffic control signs, railroad crossing signs, legal notices, and such temporary emergency signs as may be authorized by the Administrator;

6. Holiday decorations such as Christmas lights and ornaments;

7. House numbers and/or resident only name signs located on the lot to which the sign pertains. Such signs shall not exceed three square feet in area for single-family dwellings nor six square feet for multiple-family dwellings;

8. Integral signs, memorial signs or tablets carved into stone or inlaid so as to become part of the building, and containing such information as date of erection, name of building and memorial tributes;

9. Interior signs located in any building or within an enclosed lobby or court of any building or group of buildings or interior enclosed/fenced sporting areas;

10. Political campaign signs, announcing candidates seeking public office and/or political issues and other pertinent information. Such signs shall be confined to private property and shall not exceed four (4) square feet in area in residential zoning districts and thirty-two (32) square feet in area in all other zoning districts.

11. Property regulation signs such as no trespassing, no hunting, no fishing, etc. Such signs shall not exceed three square feet in area;

12. Public interest signs publicizing a charitable or nonprofit event of general public interest and street banners or mobile/portable signs or graphics that advertise the City or a public entertainment or event. Such signs shall be permitted only for thirty (30) days before and seven days after the event;

13. Real estate signs indicating the sale, rental or lease of the premises on which said signs are located. Such signs on residential property shall not exceed nine square feet in area; on other commercial property such signs shall not exceed thirty-two (32) square feet. No more than one (1) real estate sign per realtor shall be placed on any lot. Such signs shall be removed within seven days after the sale, rental or lease;

14. Residential development identification structures at major entrances designed to identify a residential subdivision, apartment complex, or planned unit development; containing no commercial advertising; and not exceeding forty (40) square feet in area and located on-premise;

15. Utility company signs that serve as an aid to public safety or that show the location of public telephones, underground cables, etc.;

16. Historic building signs or plaques containing no advertising and limited to four square feet in area. Applicants desiring a historic sign status, containing advertising and/or greater than four square feet in area, shall request historic status through the procedure defined in Section 15.48.240;

17. Public signs such as street identification signs, traffic signs, and other public interest signs erected by the City or the State of Illinois and any directional signs authorized by the City Council of the City to be placed within a road right of way;

18. A sign not more than four (4) square feet in area located on the building identifying a home occupation as defined in Section 17.08.010.

19. Graphics which contain or consist of banners, pennants, streamers, ribbons, spinners or similar devices (excluding strings of exposed light bulbs) and are attached to a building and project, if at all, not more than three feet from the building to which they are attached; and

20. Mobile/portable signs not more than four (4) square feet in area with non-commercial messages including, but not limited to, educational, athletic, patriotic, and religious content.

B. Every graphic enumerated below that complies with the indicated requirements may be erected in any commercial and industrial zoning district in this City without a permit. The area of such graphics shall not be debited against the displaying establishment's sign area allowance.

1. Flush-Mounted Graphics. No flush-mounted graphic shall:

a. Project more than eighteen (18) inches from the wall or surface to which it is attached. If such wall or surface is not vertical, the projection shall be measured from the closest point of the wall or surface to the graphic; or

b. Extend more than three feet above the roof line of the building to which it is attached.

2. Projecting Graphics. One projecting graphic per street frontage may be substituted for the

flush-mounted graphic. No projecting graphic shall:

- a. Project over a public right-of-way, or closer than two feet to the curb or edge of such vehicular way; or
 - b. Project more than three feet from the building to which it is attached; or
 - c. Extend below a point ten (10) feet above the ground or pavement; or
 - d. Extend more than three feet above the roof line of the building to which it is attached; or
 - e. Exceed twelve (12) square feet in area.
3. Awning, Canopy and Marquee With Graphics. Graphics mounted flush against awning, canopy or marquee shall be considered flush-mounted graphics, and shall comply with the regulations of subsection B(1) of this Section. Graphics suspended beneath any awning, canopy or marquee shall be considered projecting graphics, and shall comply with the regulations of subsection B(2) of this Section. An awning, canopy or marquee graphic may be painted on directly, and shall comply with the regulations of Section 15.48.100. (Ord. 11-44 § 1: Ord. 01-61 § 1)

Section 15.48.200 Residential zone districts.

Upon the effective date of this Chapter, no signs or other graphics, except those listed in Section 15.48.190(A) or otherwise specifically authorized in this Chapter or in Title 17 (Zoning), shall be erected in any residential portion of a planned unit development or in any other residential district. (Ord. 2001-61, Sec. 1)

Section 15.48.210 Commercial and industrial districts.

No establishment located in any commercial district, any commercial or industrial portion of a planned unit development, or any industrial district shall display a total area of signs in excess of its sign area allowance. (See Section 15.48.100.) Additionally, signs in any commercial district, any commercial or industrial portion of a planned unit development district, or in any industrial district shall conform to the requirements indicated in the subsections below.

A. Shopping/Office Center Freestanding Graphics. A shopping/office center, as an entity, may erect an identification sign in accordance with the provisions of this Chapter:

1. Shopping/office center identification graphics identifying the shopping/office center and/or tenants shall not exceed three hundred (300) square feet.
2. No shopping/office center shall have more than one freestanding graphic (sign) identifying the shopping center and/or tenants.
3. Tenants that are identified on the shopping/office center freestanding graphic shall have the square footage included as part of the tenant's allowable signage. Tenants that are not identified on a shopping/office center freestanding graphic shall be allowed one freestanding graphic within the shopping/office center with the square footage included as part of the tenant's allowable signage.
4. An establishment in an outlot shall be allowed a freestanding graphic within the outlot or the shopping/office center with the square footage included as part of the establishment's allowable signage.
5. No point of any freestanding graphics shall project over or intrude into any public right-of-way or private lot line.
6. A freestanding graphic shall not extend more than the maximum height allowed for the zoning district.

B. Freestanding Graphics. Freestanding graphics shall comply with the following regulations:

1. No point of any freestanding graphics shall project over or intrude into any public right-of-way or private lot line.
2. Except as otherwise provided in this Chapter, all freestanding graphics shall comply with the area and heights requirements contained in Section 15.48.100 of this Chapter and Title 17 (Zoning) for the zoning district in which each freestanding graphic is located.

C. Off-Premise Signs. Off-premise signs are permitted on commercial or industrial zone district lots or parcels of land only as authorized in this Chapter and Title 17 (Zoning).

1. No such off-premise signs shall be located closer than three hundred (300) feet to another off-premise sign, on either side of the highway or street.

2. All off-premise signs shall be constructed upon a single pole or double pole made of steel or metal of equivalent strength as required in Title 17 (Zoning).

3. No off-premise sign shall exceed the graphic area and height requirements for the zoning district in which the off-premise sign is located.

4. Off-premise signs shall not be permitted within any required front yard, side yard, or rear yard of any commercial or industrial lot or parcel of land as established by Title 17 (Zoning).

5. No more than five off-premise signs are permitted per mile and nonconforming off-premise signs shall be included in this determination. Such off-premise signs on both sides of the highway are counted.

6. Regulations contained in Sections 15.48.040, 15.48.090 - 15.48.140, 15.48.170, 15.48.180 and 15.48.190 and the administration and enforcement sections apply to off-premise signs.

D. Planned Unit Development (PUD). No signage shall be permitted in a planned unit development unless it receives specific approval as part of the development plan.

E. Mobile/Portable Signs

1. General Regulations. The following requirements apply to all mobile portable signs.

a. All mobile/portable signs shall be placed on private property. No mobile/portable sign shall be placed on or extend over any road right of way. A mobile/portable sign shall not be an off-premises sign.

b. The area of graphics of all mobile/portable signs shall be included in the total permitted area of graphics for freestanding graphics for the zoning district in which the graphics are located as set forth in Section 15.48.100(A).

c. Special Promotional Graphics for commercial or industrial businesses will be allowed for no more than seven days, and no more than two special promotions allowed per year, and permit must be obtained from the City, at least five days prior to the event. All special promotion graphics must meet the requirements of Section 15.48.130 and 15.48.140.

2. Mobile/Portable Changeable Copy Signs.

a. One mobile/portable changeable copy sign not exceeding 48 square feet may be placed on a lot only during the first year of business operations on the lot, but not without having obtained a permit from the Administrator.

b. One mobile/portable changeable copy sign not exceeding 48 square feet may be placed on a lot for an indefinite period of time under the following conditions:

1. a permit must be obtained for the sign;
2. the sign must be properly maintained and in a safe condition;
3. the sign must be affixed to a permanent foundation or surface; and

4. the sign shall have no flashing lights.

c. A mobile/portable changeable copy sign shall be deemed a permanent changeable copy sign, and, therefore, subject to the other provisions of this Chapter, only after the wheels and/or legs and supports have been removed and the sign mounted onto a building wall or onto one or more structural steel poles, wooden posts or similar pillars or posts.

3. All Other Mobile/Portable Signs.

a. All other mobile portable signs may be placed on a lot without a graphic permit and without a limit as to the number of signs, provided the total area of graphics for all free standing signs, including all mobile/portable signs, does not exceed the total graphic area permitted for the zoning district. (Ord. 2001-61, Sec. 1)

Section 15.48.220 Board of Appeals.

The Board of Appeals shall hear appeals and variance requests regarding graphic permits arising under this Chapter. (Ord. 2001-61, Sec. 1)

Section 15.48.230 Appeals.

Any person aggrieved by any decision or order of the Administrator in any matter related to the interpretation or enforcement of any provision of this Chapter may appeal to the Board of Appeals.

A. Filing, Stay of Further Proceedings. Every appeal shall be made within thirty (30) days of the matter complained of by filing with the Administrator a written notice specifying the grounds for appeal. Thereupon, the Administrator shall promptly transmit all pertinent records to the Board of Appeals.

An appeal stays all further action on the matter being appealed unless the Administrator certifies to the Board of Appeals, after the notice of appeal has been filed, that for reasons stated in the certificate, a stay would cause imminent peril to life or property. In such case, further action shall not be stayed unless the Board of Appeals or the Circuit Court grants a restraining order for due cause, and so notifies the Administrator. (See also, Section 15.48.250.)

B. Public Hearing - Notice. The Board of Appeals shall hold a public hearing on every appeal within forty-five (45) days after the filing of the appeal notice. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of hearing, and briefly describing the nature of the hearing, shall be given not more than thirty (30) nor less than fifteen (15) days before the hearing by publication in a newspaper of general circulation within the City.

C. Decision by Board of Appeals. The Board of Appeals shall render a decision on the appeal at their next regularly scheduled meeting following submission of said documents. By simple majority vote of all members then holding office, the Board of Appeals may reverse or affirm, wholly or partly, or may modify or amend the decision or order appealed from to the extent and in the manner that they deem appropriate.

D. Appeals from the decision of the Board of Appeals shall be to the City Council. (Ord. 2001-61, Sec. 1)

Section 15.48.240 Variances.

A variance is a relaxation of the requirements of this Chapter that are applicable to a particular graphic.

A. Application. Every application for a graphic variance shall be filed with the Administrator on a prescribed form. The Administrator shall promptly transmit said application to the Board of Appeals. The application shall contain sufficient information to allow the Board of Appeals to make an informed decision and shall include, at a minimum, the following:

1. Name and address of applicant;
2. Location of the graphic for which the variance is sought;
3. Name and address of the property owner upon which the graphic may be located;
4. Explanation of the grounds for the variance;
5. Specific sections(s) of this Chapter containing the regulations which, when applied, would cause the problem;
6. A site plan, sketch or other graphic, illustrating the proposed graphic;
7. Any other pertinent information that the Administrator may require.

B. Public Hearing Notice. The Board of Appeals shall hold a public hearing on each variance request within forty-five (45) days after the variance application is submitted to them. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date and place of the hearing, and the nature of the proposed variance shall be given not more than thirty (30) nor less than fifteen (15) days before the hearing:

1. By first class mail to the applicant and to all parties within two hundred (200) feet of the applicant's property;
2. By publication in a newspaper of general circulation within the City.

C. Decision by Board of Appeals. The Board of Appeals shall act on every request for a graphic variance at their next regularly scheduled meeting following the public hearing. Their decision shall be responsive to the variance standards set forth in subsection (D) of this Section.

The Board of Appeals may grant a graphic variance by simple majority vote of all the members then holding office. In a separate statement accompanying such vote, the Board of Appeals shall state their findings of fact, and indicate their reasons for granting or denying the requested variance.

D. Standards of Variances. The Board of Appeals shall not grant any graphic variance unless, based upon the evidence presented to them, they determine that:

1. The proposed variance is consistent with the spirit and purpose of this Chapter, and will not cause injury to the area in which the graphic is/will be located or be detrimental to the public welfare in any way; and

2. The proposed variance is the minimum deviation from such requirements that will alleviate the difficulties/hardship while protecting the broader public interest; and

3. The plight of the applicant is due to peculiar circumstances not of his/her own making; and

4. The peculiar circumstances of the variance request are not applicable to other graphics in the City, and therefore, that a variance would be a more appropriate remedy than an amendment.

E. Appeals from decisions of the Board of Appeals shall be to the City Council in conformance with the requirements of Title 17 (Zoning) of the City of Olney Municipal Code. (Ord. 2001-61, Sec. 1)

Section 15.48.250 Schedule of fees.

All fees below shall be paid to the City Clerk. Said fees are intended to defray the administrative costs connected with the processing/conducting of the listed permits/procedures; they do not constitute a tax or other revenue-raising device.

PERMIT/PROCEDURE	FEE
Registration of Existing Graphic	None
Freestanding Graphic Permit	\$25.00
Off-premise graphic permit	\$25.00
Appeal	\$100.00 or the total publication and mailing costs, whichever is greater
Variance	\$100.00 or the total publication and mailing costs, whichever is greater

(Ord. 2022-06 § 9: Ord. 2001-61, Sec. 1)

Section 15.48.260 Violation - Complaints.

Whenever any violation of this Chapter occurs, or is alleged to have occurred, any person may file a written complaint with the City. The Administrator shall record such complaints, promptly investigate, and, if he/she deems necessary initiate appropriate corrective action. (Ord. 2001-61, Sec. 1)

Section 15.48.270 Violation - Penalty.

A. Any person who is convicted of a violation of this Chapter shall be fined not less than Seventy-Five Dollars (\$75.00) nor more than Seven Hundred Fifty Dollars (\$750.00); plus costs. Each day that a violation continues shall be considered a separate offense.

B. Nothing contained in this Section shall prevent the City from taking any other lawful action that may be necessary to secure compliance with this Chapter. (Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Ord. 2001-61, Sec. 1)

Chapter 15.52

PROPERTY MAINTENANCE CODE

Sections:

- 15.52.010 Adoption of property maintenance code.
- 15.52.020 Additions, insertions, deletions and changes,
- 15.52.030 Violations-Penalty.
- 15.52.040 Copy for inspection.
- 15.52.050 Savings clause.

Section 15.52.010 Adoption of property maintenance code.

A certain document, one (1) copy of which is on file in the Office of the City Clerk of the City of Olney, being marked and designated as the *International Property Maintenance Code*, 2018 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Olney, in the State of Illinois, pursuant to Illinois Compiled Statutes, Chapter 65, Section 5/1-3-2, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the Office of the City Clerk of the City of Olney are hereby referred to, adopted, and made a part hereof, as if fully set out in this Chapter, with the additions, insertions, deletions and changes, if any, prescribed in Section 15.52.020. (Ord. 2020-40 § 1: Ord. 06-35 § 1)

Section 15.52.020 Additions, insertions, deletions and changes,

The *International Property Maintenance Code*, 2018 edition, is hereby revised as follows:

A. Insertions.

1. Section 101.1. Insert: the City of Olney
2. Section 302.4. Insert: twelve (12) inches
3. Section 304.14. Insert: April 1; December 1
4. Section 602.3. Insert: October 1; May 15
5. Section 602.4. Insert: October 1; May 15

B. Changes.

1. Section 102.3 (Application of other codes) is amended to read as follows:

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the *International Building Code*, *International Fuel Gas Code*, *International Mechanical Code*, *NFPA 70*, *National Electrical Code*, and *Illinois Plumbing Code*.

1. The provisions of the *Illinois Plumbing Code*, April 24, 2014, edition, as amended from time to time, shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the *Illinois Private Sewage Disposal Code* shall apply to private sewage disposal systems. Whenever the *International Plumbing Code* is referenced, insert: “the *Illinois Plumbing Code*, April 24, 2014, edition, as amended from time to time, published by the Illinois Department of Public Health, as amended from

time to time,” in its place and stead. (Ord. 2020-40 § 1: Ord. 06-35 § 1)

Section 15.52.030 Violations-Penalty.

Any person who shall violate a provision of the *International Property Maintenance Code*, 2018 edition, as incorporated herein, or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Code Official, or of a permit or certificate issued under the provisions of the *International Property Maintenance Code*, 2018 edition, as incorporated herein, shall, upon conviction thereof, be subject to a fine of not less than Seventy-Five Dollars (\$75.00) nor more than Seven Hundred Fifty Dollars (\$750.00), plus costs. Each day that a violation continues after due notice has been served shall be deemed a separate offense. (Ord. 2020-40 § 1: Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Ord. 06-35 § 1)

Section 15.52.040 Copy for inspection.

The City Clerk of the City of Olney is hereby directed to keep at least one (1) copy of the adopted *International Property Maintenance Code*, 2018 edition, on file in the Office of the City Clerk for public use, inspection, and examination. (Ord. 2020-40 § 1: Ord. 06-35 § 1)

Section 15.52.050 Savings clause.

Nothing in this Chapter or in the *International Property Maintenance Code*, 2018 edition, hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance prior to the effective date of the ordinance codified in this Chapter, nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Chapter. (Ord. 2020-40 § 1: Ord. 06-35 § 1)

Chapter 15.56

ILLINOIS ENERGY CONSERVATION CODE

Sections:

- 15.56.010** Adoption of energy conservation code.
- 15.56.020** Additions, insertions, deletions and changes.
- 15.56.030** Violation--Penalty
- 15.56.040** Copy for inspection.
- 15.56.050** Savings clause.

Section 15.56.010 Adoption of energy conservation code.

A certain document, one (1) copy of which is on file in the Office of the City Clerk of the City of Olney, being marked and designated as the *Illinois Energy Conservation Code*, 2021 edition, as published by the International Code Council, be and is hereby adopted as the Energy Conservation Code of the City of Olney, in the State of Illinois, pursuant to Illinois Compiled Statutes, Chapter 65, Section 5/1-3-2, for regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Energy Conservation Code on file in the Office of the City Clerk of the City of Olney are hereby referred to, adopted, and made a part hereof, as if fully set out in this Chapter, with the additions, insertions, deletions and changes, if any, prescribed in Section 15.56.020. (Ord. 2020-39 § 1: Ord. 06-36 § 1: Ord. 2024-31 § 1)

Section 15.56.020 Additions, insertions, deletions and changes.

The *Illinois Energy Conservation Code*, 2021 edition, is hereby revised as follows:

A. Deletions.

1. Section 101.1. Delete: the City of Olney
2. Section 107.1 (General) has been deleted as follows:
 - 107.1 General.** The standards, and portions thereof, referred to in this code and listed in Chapter 6 shall be considered part of the requirements of this code to the extent of such reference.
 1. The provisions of the *Illinois Plumbing Code*, April 24, 2014, edition, as amended from time to time, shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the *Illinois Private Sewage Disposal Code* shall apply to private sewage disposal systems. Whenever the *International Plumbing Code* is referenced, insert: “the *Illinois Plumbing Code*, April 24, 2014, edition, as amended from time to time, published by the Illinois Department of Public Health, as amended from time to time,” in its place and stead. (Ord. 2024-31 § 1: Ord. 2020-39 § 1: Ord. 06-36 § 1)

Section 15.56.030 Violation--Penalty

Any person who shall violate a provision of the *Illinois Energy Conservation Code*, 2021 edition, as incorporated herein, or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Code Official, or of a permit or certificate issued under the provisions of the *Illinois Energy Conservation Code*, 2021 edition, as incorporated herein, shall, upon conviction thereof, be subject to a fine of not less

than Seventy-Five Dollars (\$75.00) nor more than Seven Hundred Fifty Dollars (\$750.00), plus costs. Each day that a violation continues after due notice has been served shall be deemed a separate offense. (Ord. 2024-31 § 1: Ord. 2020-39 § 1: Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: Ord. 06-36 § 1)

Section 15.56.040 Copy for inspection.

The City Clerk of the City of Olney is hereby directed to keep at least one (1) copy of the adopted *Illinois Energy Conservation Code*, 2021 edition, on file in the Office of the City Clerk for public use, inspection, and examination. (Ord. 2024-31 § 1: Ord. 2020-39 § 1: Ord. 06-36 § 1)

Section 15.56.050 Savings clause.

Nothing in this Chapter or in the *Illinois Energy Conservation Code*, 2021 edition, hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance prior to the effective date of the ordinance codified in this Chapter, nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Chapter. (Ord. 2024-31 § 1: Ord. 2020-39 § 1: 06-36 § 1)

Chapter 15.60

FUEL GAS CODE

Sections:

- 15.60.010 Adoption of fuel gas code.
- 15.60.020 Additions, insertions, deletions and changes.
- 15.60.030 Violation--Penalty.
- 15.60.040 Copy for inspection.
- 15.60.050 Savings clause.

Section 15.60.010 Adoption of fuel gas code.

A certain document, one (1) copy of which is on file in the Office of the City Clerk of the City of Olney, being marked and designated as the *International Fuel Gas Code*, 2018 edition, as published by the International Code Council, be and is hereby adopted as the Fuel Gas Code of the City of Olney, in the State of Illinois, pursuant to Illinois Compiled Statutes, Chapter 65, Section 5/1-3-2, for regulating and governing fuel gas systems and gas-fired appliances as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fuel Gas Code on file in the Office of the City Clerk of the City of Olney are hereby referred to, adopted, and made a part hereof, as if fully set out in this Chapter, with the additions, insertions, deletions and changes, if any, prescribed in Section 15.60.020. (2020-38 § 1: Ord. 06-39 § 1)

Section 15.60.020 Additions, insertions, deletions and changes.

The *International Fuel Gas Code*, 2018 edition, is hereby revised as follows:

A. Insertions.

1. Section 101.1. Insert: the City of Olney

B. Deletions.

1. Delete Sections 106.6.2, 106.6.3, 108.4, and 108.5.

C. Changes.

1. Section 102.8 (Referenced codes and standards) is amended to read as follows:

102.8 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 8 and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

1. The provisions of the *Illinois Plumbing Code*, April 2014 edition, shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the *Illinois Private Sewage Disposal Code* shall apply to private sewage disposal systems. Whenever the *International Plumbing Code* is referenced, insert: “the *Illinois Plumbing Code*, April 2014 edition, published by the Illinois Department of Public Health, as amended from time to time,” in its place and stead.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and the manufacturer’s installation instructions shall apply. (2020-38 § 1: 06-39 § 1)

Section 15.60.030 Violation--Penalty.

A. Violation Penalties. Any person who shall violate a provision of the *International Fuel Gas Code*, 2018 edition, as incorporated herein, or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair work in violation of the approved construction documents or directive of the Code Official, or of a permit or certificate issued under the provisions of the *International Fuel Gas Code*, 2018 edition, as incorporated herein, shall, upon conviction thereof, be subject to a fine of not less than Seventy-Five Dollars (\$75.00) nor more than Seven Hundred Fifty Dollars (\$750.00), plus costs. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

B. Stop Work Orders. Upon notice from the Code Official that work is being done contrary to the provisions of the *International Fuel Gas Code*, 2018 edition, as incorporated herein, or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, the owner's agent, or the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the Code Official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than Seventy-Five Dollars (\$75.00) nor more than Seven Hundred Fifty Dollars (\$750.00), plus costs. (2020-38 § 1: Editorially amended pursuant to Ord. 2014-20 & § 1.08.030: 2006-39 § 1)

Section 15.60.040 Copy for inspection.

The City Clerk of the City of Olney is hereby directed to keep at least one (1) copy of the adopted *International Fuel Gas Code*, 2018 edition, on file in the Office of the City Clerk for public use, inspection, and examination. (2020-38 § 1: 06-39 § 1)

Section 15.60.050 Savings clause.

Nothing in this Chapter or in the *International Fuel Gas Code*, 2018 edition, hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance prior to the effective date of the ordinance codified in this Chapter, nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Chapter. (2020-38 § 1: 06-39 § 1)