

ORDINANCE NO. 619

AN ORDINANCE CREATING NEW CHAPTER 20, BUILDING CODE, OF THE MUNICIPAL CODE  
OF LEROY, ILLINOIS, 1975 (as amended)

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ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY THIS 7th  
DAY OF August, 1995.

PRESENTED: August 7, 1995

PASSED: August 7, 1995

APPROVED: August 7, 1995

RECORDED: August 7, 1995

PUBLISHED: August 7, 1995

In Pamphlet Form

Voting "Aye" 6

Voting "Nay" 0

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The undersigned being the duly qualified and acting City Clerk of the City of LeRoy does hereby certify that this document constitutes the publication in pamphlet form, in connection with and pursuant to Section 1-2-4 of the Illinois Municipal Code, of the above-captioned ordinance and that such ordinance was presented, passed, approved, recorded and published as above stated.

(SEAL)

X Juanita Bagley  
City Clerk of the City of LeRoy,  
McLean County, Illinois

Dated: August 7, 1995.

ORDINANCE NO. 619

AN ORDINANCE CREATING NEW CHAPTER 20, BUILDING CODE, OF THE MUNICIPAL CODE OF LEROY, ILLINOIS, 1975 (as amended)

WHEREAS, the Mayor and City Council of the City of LeRoy, McLean County, Illinois, an Illinois municipal corporation, have determined that it is appropriate to provide for regulations as to the construction of buildings and/or structures within the City of LeRoy, and

WHEREAS, the Mayor and City Council of the City of LeRoy, McLean County, Illinois (hereinafter referred to as "City"), have determined that it is in the best interests of the residents, and for the improvement of the health, safety and welfare of the residents of the City, that appropriate regulations regarding construction of buildings and structures within the City be adopted,

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of LeRoy, Illinois, in lawful meeting assembled, as follows:

Section 1. Chapter 20 and all sections thereof of the Municipal Code of the City of LeRoy, Illinois, 1975 (as amended), is hereby repealed.

Section 2. New Chapter 20 - Building Code, of the Municipal Code of the City of LeRoy, Illinois, 1975 (as amended), is hereby adopted in words and figures as follows:

CHAPTER 20

BUILDING CODE

ARTICLE I

BUILDING DEPARTMENT

SEC. 1 ESTABLISHMENT.

There is hereby created the Building Department of the City. This Department shall consist of the Building Administrator also known as Building Official and other officials and employees as may be provided for by the Council.

SEC. 2 FUNCTIONS OF THE DEPARTMENT

- (a) Enforcement of Building Laws. The Building Department shall by all appropriate means enforce all the laws and ordinances of the City relating to the condition, construction, repair, alteration, addition, or demolition of buildings or structures including codes regarding related work such as plumbing, electrical, mechanical, elevator, and the like. Department personnel shall make all appropriate inspections and engage in related activities in connection therewith.
- (b) Zoning. The Building Department shall enforce the Zoning Code of the City (Municipal Code of LeRoy Chapter 21).
- (c) Prosecution. Personnel of the Building Department shall sign complaints and appear in court if necessary to enforce the laws and ordinances referred to above.

### SEC. 3 BUILDING ADMINISTRATOR - TITLE

There is hereby established the office of Building Administrator also known as Building Official who shall be appointed by the Mayor. The Building Administrator shall have control and supervision of all employees and activities of the department. He shall also act and be known as Building Inspector, Zoning Administrator, Plumbing Inspector, Electrical Inspector, Heating/Air-conditioning/Ventilation Inspector, Elevator Inspector, and Plans Examiner in the absence of appointment of other persons in the Building Department to those positions.

### SEC. 4 BUILDING ADMINISTRATOR - DUTIES

(a) The Building Administrator shall be responsible for insuring that the functions of the Building Department are performed.

(b) The Building Administrator shall issue or cause to be issued all permits required for building construction and uses of property regulated by this Chapter .

(c) The Building Administrator shall be the Zoning administrator and enforcement officer and shall be charged with the responsibility of insuring that the Zoning Code (Chapter 21) is enforced.

(d) The Building Administrator shall enforce other related ordinances of the City as provided therein.

### SEC. 5 EMPLOYEES OF THE DEPARTMENT - CONFLICT OF INTEREST

No member or employee of the Building Department shall engage in any occupation or business nor shall any such member or employee be interested in any manner in any business which is subject to the regulations of this Chapter or the Zoning Code.

## ARTICLE II

### SCOPE OF CHAPTER

#### SEC. 11 CITATION AND SCOPE OF CHAPTER.

This Chapter shall constitute and be known as the LeRoy Building Code and may be cited as such; and all aspects of buildings, including, but not limited to, the erection, construction, enlargement, rebuilding, alteration, repairing, moving, shoring, removal, demolition, equipment, use, height, area, conversion of occupancy, and the installation of plumbing, heating apparatus, boilers, elevators, electrical wiring, mechanical ventilation, natural lighting and maintenance of all buildings or structures within the corporate limits of the City, shall be carried out in conformity herewith.

The requirements contained in this Chapter shall apply to all buildings or structures now existing or hereafter erected.

All buildings or structures and all parts thereof shall be maintained in a safe condition, and all devices or safeguards which are required by this Chapter at the erection, alteration or repair of any building shall be maintained in good working order.

This Section shall not be construed as permitting the removal or nonmaintenance of any previously authorized or required devices or safeguards unless authorized in writing by the Building Administrator.

#### SEC. 12 CONFLICTING PROVISIONS.

In the event of any conflict:

- (1) between or among any codes adopted in this Article; or
- (2) between any code adopted in this Article and any other provision of the Municipal Code of the City of LeRoy; or
- (3) between any code adopted in this Article and any provision of any code adopted by any other provision the the Municipal Code of LeRoy; or
- (4) between any code adopted in this Article and any provision of State law, the provision setting the highest standard for health and safety shall prevail.

Decisions of the Department under this Section shall be reviewable by the Board of Appeal as provided in this Chapter.

#### SEC. 13 ADOPTION OF BOCA NATIONAL BUILDING CODE/1993.

There is hereby adopted by the City Council for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment installation, use and occupancy, location and maintenance of buildings and structures, including permits and penalties, a Building Code known as the BOCA National Building Code/1993 published by the Building Officials and Code Administrators International, Inc., and the whole thereof, herein after referred to as BOCA National Building Code, save and except such portions as are deleted, modified, or amended in Article IV of this Chapter. The provisions of said Code are hereby adopted and incorporated as fully as if set out at length and the provisions thereof shall be controlling in regard to all buildings and structures within the corporate limits of the City, except as provided in Section 12 of this Article.

#### SEC. 14 ADOPTION OF CABO ONE AND TWO FAMILY DWELLING CODE.

There is hereby adopted by the City Council for the purpose of regulating the fabrication, erection, construction, enlargement, alteration, repair, location and use of detached one and two family dwellings, their appurtenances and accessory structures, including permits and penalties, a building code known as the One and Two Family Dwelling Code/1992, published by the Council of American Building Officials of which the Build-

ing Officials and Code Administrators, International, Inc., Southern Building Code Congress, and International Conference of Building Officials are members and the whole thereof, save and except such portions as are deleted, modified, or amended in Article V of this Chapter. The provisions of said Code are hereby adopted and incorporated as fully as if set out at length herein and the provisions thereof shall be controlling in all matters pertaining to the fabrication, erection, construction, enlargement, alteration, repair, location and use of detached one and two family dwellings, their appurtenances and accessory structures, except as provided in Section 12 of this Article.

#### SEC. 15 VIOLATIONS - PENALTIES.

The penalty for violating any provision of any of the Codes adopted by reference into this Chapter shall be as provided in the Code violated; if the Code violated fails to specify a penalty, the penalty shall be a fine not to exceed Five Hundred Dollars (\$500.00). The penalty for violating any other provision of this Chapter shall be a fine not to exceed Five Hundred Dollars (\$500.00). A separate offense shall be deemed committed each day that a violation exists or continues.

### ARTICLE III

#### UNSAFE OR ABANDONED BUILDINGS

#### SEC. 20 DEFINITION.

(a) The term "unsafe building" as used in this Article includes:

- (1) any building, shed, fence or other man-made structure which is dangerous to public health because of its construction or condition, or which may cause or aid in the spread of disease or cause injury to the health of the occupants or of neighboring structures;
- (2) 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;
- (3) any building, shed, fence or other man-made structure which by reason of faulty construction, lack of proper repair or any other cause, is liable to cause injury or damage by a total or partial collapse;
- (4) any building, shed, fence or other man-made structure which because of its condition or because of its condition or because of lack of

doors or windows is available to persons who are not owners or lessees of such structure;

- (5) any building, shed, fence or other man-made structure which by reason of its condition, poses a threat to the physical integrity of adjacent structures;
- (6) any building, shed, fence or other man-made structure which harbors rats or other pests.

(b) The term "abandoned building" as used in this Article includes any building, shed, fence or other man-made structure whether completed or not which:

- (1) has not been occupied for a continuous period of one year. The period during which a building has not been occupied includes but is not limited to all time during which the building was vacant as a result of a "No Occupancy" order issued by the Building Department of the City of LeRoy or the McLean County Health Department; and
- (2) fails to comply with the Building and related Codes applicable to buildings used for permitted uses in the zone in which the building is located.

#### SEC. 21 REPORTS OF VIOLATIONS OF ARTICLE.

The Building Administrator or his authorized representative shall make or cause to be made an inspection of any structure in response to any report of an unsafe or abandoned building and, if found to be unsafe or abandoned, to cause all violations to be eliminated; or to refer the matter to the City Attorney for action pursuant to this Article.

#### SEC. 22 APPLICATION FOR DEMOLITION ORDER.

Upon referral the City Attorney shall apply to the Circuit Court of McLean County for an Order authorizing the repair or demolition of any unsafe or abandoned building as defined in Section 20. At least fifteen (15) days prior to the filing of such suit, the City Attorney shall notify the owner or owners of said property including lien holders of record, to put such building in a safe condition or to demolish it. If no action is taken within said fifteen (15) day period, the City Attorney may apply to the Circuit Court for a repair or demolish order. Where, upon diligent search, the identity or whereabouts of the owner or owners of any such building including the lien holders of record, is not ascertainable, notice mailed to the person or persons in whose name such real estate was last assessed is sufficient notice under this Section.

#### SEC. 23 REPAIR OR DEMOLITION ORDER.

The hearing on such application to the Circuit Court shall

be expedited by the Court and shall be given precedence over all other suits. Upon a showing that a building or structure is unsafe or abandoned, the Court shall grant relief as herein provided:

- (1) the Court shall authorize the City of LeRoy to demolish any unsafe or abandoned building or building or structure upon a showing that:
  - (a) the probable cost of repairs required to bring the building into compliance with applicable Codes exceeds 50% of the appraised value of the structure at the time the suit is filed; or
  - (b) the owner of the building or structure has failed to comply with a court order entered pursuant to subsection (2) of this Section to bring the building into compliance with applicable Codes; or
  - (c) the City presents a Consent to Demolish signed by the owner of such building or structure.
- (2) the Court may order the owner of such building or structure to make such repairs as are required to bring such building or structure into compliance with applicable Codes and shall specify a date by which such repairs must be completed;
- (3) upon request by the City, the Court may authorize the City to make such repairs as are required to bring such building or structure into compliance with applicable Codes.

#### SEC. 24 RESPONSIBILITY FOR COST OF REPAIRING.

The cost of such repair or demolition incurred by the City or by a lien holder of record is recoverable from the owner or owners of such real estate and is a lien thereon, which lien is superior to all prior existing liens and encumbrances except taxes. Within sixty (60) days after repair or demolition, the City or the lien holder of record who incurred the cost and expense of such demolition or repair of such building shall file a Notice of Lien of cost and expense in the office of the Recorder of Deeds of McLean County. The Notice shall consist of a sworn statement containing:

- (1) a description of the real estate sufficient for identification thereof;
- (2) the amount of money representing the cost and expense incurred;
- (3) the date or dates when the cost and expense was incurred by the municipality or by the lien holder of record. For purposes of this Section, the cost of repair or demolition shall be deemed to have been incurred by the City of LeRoy at the time the City pays any person with

whom it has contracted to do the repair or demolition work, or the date of the last payment to said person if there is more than one payment. Upon payment of the cost and expense by the owner of or the person interested in the property after a Notice of Lien has been filed, the lien shall be released by the City or the person in whose name the lien has been filed and the release may be filed of record as in the case of filing a Notice of Lien. Costs and expenses for which a lien may be filed shall include any costs incurred in determining ownership or interest of parties in the property, attorney's fees, court costs, costs incurred in proving the cost of improvements required on said building or structure and all costs incidental to or required for repair or demolition.

#### SEC. 25 FORECLOSURE.

The aforesaid lien may be enforced by proceedings to foreclose as in case of mortgages or mechanics liens. Said foreclosure suit must be commenced within three (3) years after the date of filing Notice of Lien.

#### SEC. 26 DECIDING UPON QUESTIONS ARISING UNDER ARTICLE.

The Building Administrator shall have full power to pass upon any question arising under the provisions of this Article subject to the condition, modifications, and limitations contained in this Chapter.

#### SEC. 27 NOTICE TO REMEDY IMMEDIATELY UNSAFE CONDITION OF BUILDINGS; FAILURE TO OBEY NOTICE.

If the Building Administrator shall find in the City any building or structure or part thereof in such an unsafe condition as to cause imminent danger to life or property but that the immediate application of precautionary measures may avert such danger, he shall have authority, and it shall be his duty forthwith, to notify in writing the owner, agent, contractor or person in possession, charge or control of such buildings or structures or part thereof to adopt and put into effect such precautionary measures as may be necessary or advisable in order to place such building or structure or part thereof in a safe condition. Such notice shall state briefly the nature of the work required to be done, and the Building Administrator shall specify in such notice the time within which the work required to be done shall be completed by the person notified, upon taking into consideration the condition of such building or structure, or part thereof, and the danger to life or property which may result from its unsafe condition.

#### SEC. 28 AUTHORITY OF BUILDING ADMINISTRATOR TO COMPEL COMPLIANCE WITH CHAPTER; ACTION GENERALLY UPON FAILURE TO COMPLY.

If it shall be found that any building or structure, or part thereof, is being or shall have been, worked on in violation of any of the provisions of this Chapter, the Building Administrator shall forthwith notify the owner, agent, contractor, su-



perintendent or architect engaged in working on such building or structure, or part thereof, of the fact that such building or structure, or part thereof, has been or is being worked on contrary to the provisions of this Chapter and shall specify briefly in such notice in what manner the provisions of this Chapter have been violated and shall require the person so notified to forthwith make such building or structure, or part thereof, conform with the provisions of this Chapter specifying in such notice the time within which such work shall be done.

If at the expiration of the time set forth in such notice the person so notified shall have refused, neglected, or failed to comply with the request made in such notice and to have such building, structure, or part thereof, concerning which notice was sent, changed so as to conform to and comply with the provisions of this Chapter, the Building Administrator shall have the authority, and it shall be his duty to request the City Attorney to institute proceedings in the Circuit Court for an order compelling such person to conform to the provisions of this Chapter, or authorizing demolition of such building or structure, or part thereof, as shall or may have been worked on in violation of the provisions or any of the provisions of this Chapter, and the cost of such work shall be charged to and recovered from the owner of such building or structure or from the person for whom such building or structure is being worked on, in the manner provided in this Article.

#### SEC. 29 MAINTENANCE, OCCUPANCY, ETC., UNLAWFUL.

It shall be unlawful to maintain or permit the existence of any dangerous building in the City, and it shall be 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.

#### SEC. 30 FIRE LIMITS AND AUTHORIZED REMOVAL OF BUILDINGS.

The fire limits shall comprise of the areas containing congested business, commercial, manufacturing, and industrial uses such as the downtown or in which such uses are developing. Any contiguous commercially zoned district, any part of which has dimensions greater than 600 ft. in length and 600 ft. in width.

Any building or structure within the fire limits of the City which has or may be damaged by fire, decay or other cause to the extent of fifty percent (50%) of its appraised value shall be torn down and removed. Any party aggrieved by the application of this Section by the the Building Administrator may appeal the decision to the Construction Board of Appeal.

ARTICLE IV

COMPLETIONS, MODIFICATIONS, DELETIONS,  
AND ADDITIONS TO THE BOCA NATIONAL  
BUILDING CODE/1993

The numbered Sections of this Article represent changes to the BOCA National Building Code/1993 or correspond to the Sections of said Code which are completed, modified, deleted, and or added as shown in the Sections herein.

SEC. 101.1 TITLE.

These regulations shall be known as the Building Code of the City of LeRoy hereinafter referred to as "this Code".

SEC. 104.1 BUILDING OFFICIAL.

The Building Department of the City of LeRoy is hereby created and the executive official in charge thereof shall be known as Building Administrator and also a Building Official.

As Building Administrator or Building Official he is also known as code official in the context of this code.

SEC. 104.1 BUILDING OFFICIAL.

The Building Department of the City of LeRoy is hereby created. Any reference in this code to "department of building inspection" shall mean Building Department of the City. The executive official in charge thereof shall be known as Building Administrator or Building Official. Any reference in this code to "code official" shall mean Building Administrator or Building Official.

SEC. 108.2 INVALIDATION OF PERMIT.

(a) Establishment of Time Limit. Each applicant for a permit issued pursuant to this Code, shall on said application specify the date by which all work authorized by said permit shall be completed. The Building Official or his representative shall determine the reasonableness of said date prior to issuing a permit therefore, taking into consideration the size of the project and the likely availability of building materials, equipment and labor. If the Building Official determines that the time specified by the applicant is unreasonable, he shall insert such times he believes to be reasonable on the permit as the expiration date of said permit.

(b) Appeal. If the applicant believes that the Building Official's determination is unreasonable, he shall within ten (10) days of the determination, appeal the Building Official's

decision to the Board of Appeal in the manner provided in Sections 121.1 and 121.1.1 of this Code. Failure to pursue said appeal shall constitute acquiescence in the decision(s) of the Building Official.

(c) Expiration of Permits. Permits issued pursuant to the Basic Code shall expire and cease to be valid:

- (1) at the end of six (6) months after issuance if work has not begun by that time;
- (2) if the work is suspended or abandoned for a period of six (6) months, at the end of such six (6) month period;
- (3) on the expiration date shown on the permit, except as provided in subsection (d) of this Section.

(d) Extension. The expiration date of a permit may be extended by the Building Official or his representative upon a showing that a change of plans approved by the Building Department or a delay caused by circumstances beyond the control of the applicant require such an extension, but an extension shall not be granted for a time longer than that caused by the delay or change.

(e) Previously Issued Permits. All permits heretofore issued for work for which a permit must be issued under the Code shall expire in the same manner provided in subsections (c)(1) and (2) of this Section, except that such permit shall expire pursuant to subsection (c)(1) at the end of six (6) months from the adoption date of this Code.

#### SEC. 110.4 DEMOLITION WORK BOND

(a) Requirement. Before any permit required by this Article is issued granting authority to wreck a building or structure, the person engaged in the work of wrecking the same shall file with the City Clerk a copy of a performance bond with a surety company as surety naming the person for whom the work is done as obligee to guarantee faithful performance of the terms and conditions of the permit and all applicable federal, state or local regulations and to correct or complete a wrecking operation when the wrecker fails or is unable to do the same upon written notice from the City. Such bond may be written for one or more demolition projects and shall be in an amount of not less than 100% of the amount of the demolition contract.

(b) Permit. No permit shall be issued for any wrecking work until such bond is filed. Upon the filing of such bond and certificate of insurance, as provided in Section 110.5, the person engaged in the work of wrecking such building (s) and other structures may obtain permits for such wrecking operations as are authorized under the bond, provided however, that in case of an accident or casualty in the progress of any wrecking operation carried on under any permit so issued or the happening of any circumstance which might, in the opinion of the Building Administrator, render such bond inadequate; the Administrator may

in his discretion require such additional bond as he may deem necessary to fully insure satisfactory completion of the project before he allows the work to proceed or before any additional permit(s) are issued by him. In lieu of a bond required under this subsection, a certified or cashier's check in the amount of the bond payable to the City of LeRoy shall be deposited with the City at the time of application for the demolition permit. Such amount of said check as is not required for satisfactory completion of the project will be refunded to the applicant upon completion.

(c) Waiver. The foregoing requirement of bond may be waived at the discretion of the Building Administrator where:

- (1) the estimated cost of demolition of a structure including removal of the debris and clearing the site, is less than Five Hundred Dollars (\$500.00);
- (2) no extra hazardous conditions exist; and
- (3) the demolition permit is being sought by the owner of the structure as the contractor.

#### SEC. 110.5 INSURANCE.

(a) Requirement. Before any permit required by this Article is issued granting authority to wreck a building or structure, the person engaged in the work of wrecking the same shall file with the Building Administrator a certificate of liability insurance with the City of LeRoy as a named insured showing coverage of not less than the following amounts:

Bodily Injury:	
Each Occurrence	\$500,000
Each Person	\$500,000
Property Damage:	
Each Occurrence	\$100,000
Aggregate	\$100,000

Where any structure to be demolished exceeds three stories in height, the Building Administrator may, in his discretion, require additional insurance in an amount not to exceed double the amounts shown herein.

(b) Waiver. The foregoing insurance requirement may be waived at the discretion of the Building Administrator where:

- (1) the estimated cost of demolition of a structure, including removal of the debris and clearing the site, is less than Five Hundred Dollars (\$500.000)
- (2) no extra hazardous conditions exist; and
- (3) the demolition permit is being sought by the owner of the structure.

SEC. 112.3.1 FEE SCHEDULES

(a) General. The fee for permits for work regulated by any Code adopted by reference into Municipal Code Chapter 20 shall be as provided in this Section 112.3.1. The fee for a permit shall be based on the reasonable cost of the improvement, including material and labor, in accordance with the fee schedule of subsection (b) of this Section. If the Building Administrator determines that the applicant's estimate of the cost of improvement is unreasonable, the permit fee shall be based on the construction contract or detailed bill of materials and cost of labor. The Building Administrator's determination of reasonability of the applicant's estimate shall be appealable as provided in Sections 121.1 and 121.1.1 of this Code.

(b) Fee Schedule based on estimated value of improvements:

<u>Estimated Cost</u>	<u>Fee</u>
\$0 - \$1,000	\$10.00 minimum
\$1,001 - \$5,000	\$10.00 plus \$0.50 per hundred or part thereof of the estimated cost over \$1,000. Maximum - \$30.00
\$5,001 - \$10,000	\$30.00 plus \$0.40 per hundred or part thereof of the estimated cost over \$5,000. Maximum - \$50.00
\$10,001 - \$50,000	\$50.00 plus \$0.30 per hundred or part thereof of the estimated cost over \$10,000. Maximum \$170.00
\$50,001 - \$100,000	\$170.00 plus \$0.25 per hundred or part thereof of the estimated cost over \$50,000. Maximum - \$295.00
\$100,001 - \$500,000	\$295.00 plus \$0.22 per hundred or part thereof of the estimated cost over \$100,000. Maximum - \$1,175.00
\$500,001 - \$1,000,000	\$1,175.00 plus \$0.20 per hundred or part thereof of the estimated cost over \$500,000. Maximum - \$2,175.00
\$1,000,001 - \$5 M (M - Million)	\$2,175.00 plus \$0.17 per hundred or part thereof of the estimated cost over \$5,000,000. Maximum - 8,975.00
\$5,000,001 - \$10 M (M - Million)	\$8,975.00 plus \$0.15 per hundred or part thereof of the estimated cost over \$5,000,000. Maximum - \$16,475.00
\$10,000,001 - \$50 M (M - Million)	\$16,475.00 plus \$0.12 per hundred or part thereof of the estimated cost over \$10,000,000. Maximum - \$64,475.00

\$50,000.001 - \$100 M (M - Million)	\$64,475.00 plus \$0.10 per hundred or part thereof of the estimated cost over \$50,000,000. Maximum - 114,475.00
\$100,000,001 & Over (M - Million)	\$114,475.00 plus \$0.05 per hundred or part thereof of the estimated cost over \$100,000,000.

- NOTE:
- (1) This schedule is applicable to each detached and independent building or structure on a lot considered separately. For purposes of this Section, any structure under one roof shall be considered as one building.
  - (2) A \$10.00 fee shall be charged for a final inspection/occupancy permit.
  - (3) No permit shall be required for installation of siding on the exterior of any building, or for guttering work, or for minor repairs not to exceed \$500.00 in cost (labor and materials) on existing structures. The Building Administrator shall waive all requirements for permits and fees for all types of remodeling on existing structures through February 29, 1996. After that date (beginning March 1, 1996) the Building Administrator shall no longer be permitted to waive all permits and fees for all types of remodeling to existing structures.
  - (4) The Building Administrator may waive or adjust the amount of the fee for minor work permits required by this Chapter.

(c) Definitions. For clarity, the following definitions and guidelines are herein incorporated:

- (1) Estimated cost shall include all cost of labor and material given a fair market value. A contractor-owner contract or letter of acceptance, certified architect-engineer estimate or accepted bid, or equivalent shall be acceptable as estimated cost adjusted only as allowed by other provisions of this Section.
- (2) For the purposes of clarification, the following costs are included in the estimated cost:
  - a. Excavation work for foundations and subgrade structures;
  - b. Rough grading for drainage;
  - c. Dust proofing of parking lots/spaces including drainage. Paving of parking lots.
  - d. Work required by zoning, rezoning, or annexation conditions under the Building Department's supervisory jurisdiction;
  - e. Required screening and/or landscaping;
  - f. All mechanical work cost including electrical, heating, ventilation, air-conditioning, plumbing, elevator, energy conservation, and the like;

g. Structural support for free standing signs.

(3) Allowed exclusions from the estimated cost for fee consideration are the cost of the following:

a. Painting

b. Nonstructural embellishments

c. Cabinetry or shelvings not affecting exiting or fire rating requirements

d. Fixtures not regulated by the Code and intended only for aesthetic purposes

e. Landscaping not required by statute

(4) The estimated cost for permit and fee consideration of temporary buildings/structures shall be the labor cost of assembling, disassembling, and disposal or moving without affecting regular street traffic.

(d) Fee surcharge. Any work undertaken without a permit shall be subject to a surcharge of 50% of the regular charge or Twenty Five Dollars (\$25.00) whichever is greater, upon issuance of a valid permit. This shall be construed as a supplement penalty accruing regardless of any imposition provided for in Section 116.4.

#### SEC. 112.3.2 MOVING OF BUILDINGS

A permit to move a building or structure shall be issued by the Building Administrator only after clearance is obtained from the Police Department and the Water and Streets Department. Issuance of a moving permit does not relieve the permittee from any obligation of complying with all other applicable Code of the City. The moving permit shall not be construed as a building permit. The moving permit fee shall be calculated based on the estimated cost of moving including loading and/or unloading within the City limits. If unloading is related to a building permit, the same will be excluded from the estimated moving cost. The fee to be charged for such permit shall be as shown on the fee scale of Section 112.3.1 plus \$10.00 for each building/structure moved (modular buildings/structures included).

#### SEC. 112.3.3 DEMOLITION.

The fee for a demolition permit shall be based on the estimated cost of demolition per building/structure including work on filling, grading, cleaning or safeguarding of the site. A permit shall be issued only after clearance from the utility companies has been obtained. The fee scales of Section 112.3.1 shall apply for each building/structure to be demolished.

#### SEC. 112.3.4 SIGN PERMITS AND FEES

(a) Application for permits shall be filed with the Building Administrator together with a permit fee which shall be based on the reasonable cost of the sign and supporting structure which includes cost of material and labor in accordance with the fee schedule of Section 112.3.1 plus \$0.20 per square foot of sign area.

SEC. 112.3.4 MECHANICAL WORKS FEES (ELECTRICAL, HVAC, ETC)

See Section 112.3.1. However, the Building Administrator shall waive all permits and fees for HVAC work done on structures existing on the date of adoption of this ordinance, such waiver to continue through February 29, 1996. Fees for electrical work shall be those as set forth under Section 112.3.8 hereafter.

SEC. 112.3.5 POWER BOILER INSPECTION FEE.

The Building Administrator shall waive all fees and requirements for inspections.

SEC. 112.3.6 CREMATORY/INCINERATOR INSPECTION FEES.

The fee for annual crematory/incinerator inspection shall be \$25.00.

SEC. 112.3.7 ELEVATOR PERMITS, CERTIFICATES, FEES.

The Building Administrator shall waive all permits and fees.

SEC. 112.3.8 ELECTRICAL PERMIT FEE

Beginning on the date of adoption of this ordinance, for all electrical work in new construction, a permit shall be required and a fee shall be charged as set forth hereafter. Further, installation of new electric service (defined to be new meter base and/or circuit panel) to an existing structure shall also require a permit, and a fee shall be charged as set forth hereafter. All other electrical work done on existing structures shall not require a permit or fee until February 29, 1996. After that date (beginning March 1, 1996) the Building Administrator shall no longer be permitted to waive any permits or fees for new electrical work done on existing structures. The fee for electrical work for new structures being constructed shall be considered included with the building permit fee under Section 112.3.1. The fee for electrical work on existing structures shall be calculated in accordance with the fee schedule set forth in Section 112.3.1 (previous).

SEC. 112.3.9 PLUMBING PERMIT FEE

The Building Administrator shall waive all permits and fees.

SEC. 112.3.10 ROOFING PERMIT

A permit for roofing work done by a roofing contractor as defined in the Illinois Roofing Industry Licensing Act shall be issued by the Building Administrator upon ascertaining that the contractor to do the work is duly and currently certified as a roofing contractor by the State of Illinois. See Section 112.3.1 for permit fee.

SEC. 112.3.11 AMUSEMENT DEVICE PERMIT (Reserved)

SEC. 112.3.12 REINSPECTION FEE.

If a contractor/owner/agent notifies the City that a project is ready for final inspection and, upon inspection the City finds the project not completed, then the City shall charge a fee of Ten Dollars (\$10.00) for each reinspection required. The fee shall be paid prior to reinspection.



#### SEC. 112.4 ACCOUNTING.

The Building Administrator shall keep an accurate account of all fees collected; and such collected fees shall be deposited regularly in the jurisdiction treasury or otherwise as required by law.

#### SEC. 112.5 REFUNDS.

In the case of a revocation of a permit or abandonment or discontinuance of a work project, no fees shall be subject for refund. Where a refund is justified and approved by the Building Administrator the same will be permitted less \$10.00 for service.

#### SEC. 113.6 ISSUANCE OF PERMIT - OCCUPANCY PROHIBITED

No building permit shall be issued for any building posted "No Occupancy" except in conformity with the provisions of this Section.

(a) Scope of Permit. A building permit for a posted building shall cover all work needed to bring the building into conformity with all relevant Codes of the City without regard to whether a building permit would otherwise be requested for such work.

(b) Application for Permit. An application for a building permit for a posted building shall include the following information:

- (1) sufficient plans and/or drawings showing how the building will be brought into conformity with applicable codes;
- (2) a realistic cost estimate of materials and labor needed to bring the building into compliance;
- (3) a reasonable timetable for completion of work;
- (4) evidence of financial capacity and ability to make repairs approved by the Building Administrator.

#### SEC. 116.4 VIOLATION PENALTIES.

Any person who shall violate a provision of the Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter, add to, or repair a building or structure in violation of an approved plan or directive of the Building Administrator, or of a permit or certificate under the provisions of the Code shall be guilty of a misdemeanor, punishable by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment not exceeding six (6) months, or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

SEC. 117.2 UNLAWFUL CONTINUANCE.

Any person who shall continue any work in or about the building after having been served with a stop work order, except such work as he is directed to perform to remove a violation or unsafe condition. (S), shall be liable to a fine of not less than Fifty Dollars (\$50.00) or more than Five Hundred Dollars (\$500.00).

SEC. 117.3 SPECIAL FEES.

The payment of the fee for the construction, alteration, removal or demolition and for all work done in connection with or concurrently with the work contemplated by a building permit, shall not relieve the applicant or holder of the permit from the payment of other fees that may be prescribed by law or ordinance for water taps, sewer connections, and the like or fees for inspections, certificates of use and occupancy or other privileges or requirements, both within and without the jurisdiction of the Building Department.

SEC. 118.1 New buildings - CERTIFICATE OF OCCUPANCY.

No person shall use or occupy or permit use or occupancy in whole or in part of any building hereafter erected until a Certificate of Use or Occupancy shall have been issued by the Building Administrator.

SEC. 118.2 TEMPORARY OCCUPANCY.

Temporary use of occupancy may be granted by the Building Administrator for a maximum duration of one (1) month from the certificate's date of issuance. The same may be extended monthly only by an approval of the Mayor for a maximum of three (3) extensions subject to a favorable safety inspection by the Building Department inspector.

SEC. 118.5 BUILDING HEREAFTER ALTERED.

No person shall use or occupy or permit the use in whole or in part of:

- (1) any building hereafter enlarged, extended or altered to change from one use group to another; or
- (2) any building hereafter altered for which a Certificate of Occupancy has not been heretofore issued

until a Certificate of Use or Occupancy shall have been issued by the Building Administrator, certifying that the work has been completed in accordance with the provisions of the approved permit; except that any use or occupancy, which was not discontinued during the work of alteration, shall be discontinued within thirty (30) days after completion of the alteration unless the required certificate is secured from the building official.

## SEC. 121.1 APPLICATION FOR APPEAL

Any person may appeal to the Construction Board of Appeals from a decision of the Building Administrator refusing to grant a modification to the provisions of the Code covering the manner of construction or materials to be used in the erection, alteration or repair of a building or structure. Application for appeal may be made when it is claimed that the true intent of this Code or the provisions of this Code do not fully apply or an equally good or better form of construction can be used.

### SEC. 121.1.1 FEE FOR APPEALS.

Any petition for a variance/interpretation from the Construction Board of Appeals shall be filed with the Building Department, accompanied by a fee of Fifty Dollars (\$50.00) payable to the City of LeRoy. Each extra petition in a multiple petition shall be charged a fee of Ten Dollars (\$10.00)

## SEC. 121.2 MEMBERSHIP OF BOARD.

The Board of Appeals shall consist of the Mayor, all City Council members, and one additional person to be appointed by the Mayor and approved by the City Council. The additional member shall be a resident of LeRoy and, to the greatest extent possible shall have experience, background, education and training in the building and construction trades, engineering or architectural professions, or other related professional or work areas.

### SEC. 121.2.2 TERMINATION

The term of each additional member (non-City Council or Mayor members) of the Construction Board of Appeals shall end on April 30th of their fifth (5th) year.

### SEC. 121.2.6 COMPENSATION.

Members of the Board of Appeal shall serve without compensation.

### SEC. 121.4.1 PROCEDURE.

The Board of Appeals is authorized to enact rules of procedure governing its proceedings consistent with this Code.

## SEC. 121.5 QUORUM.

Four (4) members of the Board shall constitute a quorum for the purpose of doing business.

## SEC. 121.6 ACTION OF BOARD

The Board shall modify or reverse the decision of the Building Administrator by a majority vote.

## SEC. 1603.4 SNOW LOAD

The basic ground snow load to be assumed in the design of buildings or structures shall be 30 pounds per square foot.

**SEC. 1611.3 DESIGN, BASIC WIND SPEED.**

All exposed structures or parts of structures shall be designed to resist the pressures due to wind in any direction. The basic minimum wind speed for the design of structures shall be based on location of the structure determined by 80 m.p.h. wind factor.

**SEC. 1806.4 FROSTLINE.**

All foundations that may be affected by freezing shall be built at least forty inches (40") below the adjacent grade for frost protection.

**SEC. 2708.4 ELECTRICAL CONTRACTOR**

(No requirements at this time)

**SEC. 2812.1 HVAC CONTRACTOR**

(No requirements at this time)

**SEC. 2901.1 PLUMBING - SCOPE**

The design and installation of plumbing systems, including sanitary and storm drainage, sanitary facilities, water supplies and storm water and sewage disposal in buildings shall comply with the requirements of this Article and accepted engineering practice as defined in the Illinois State Plumbing Code. Plumbing work in the City must be a State licensed plumber.

**SEC. 3102.1 SIGNS - FILING.**

No person shall erect, install, remove or rehang or maintain over public place any sign for which a permit is required under the provisions of this Code until an approved bond shall have been filed in the sum of Two Thousand Dollars (\$2,000.00) as herein required or until an insurance policy shall have been filed for public liability in the sum of One Hundred Thousand Dollars (\$100,000.00) per accident and for property damage in the sum of Fifty Thousand Dollars (\$50,000.00) as herein required.

ARTICLE V

COMPLETIONS, MODIFICATIONS, DELETIONS,  
AND ADDITIONS TO THE CABO ONE AND  
TWO FAMILY DWELLING CODE/1992

The numbered sections of this Article correspond to sections of the CABO One and Two Family Dwelling Code/1992 which are completed, modified, deleted, and added or amended thereby.

SEC. R-107 RIGHT OF APPEAL.

All persons shall have the right to appeal the building official's decision through the Construction Board of Appeal of the Building Department.

SEC. R-110.2 PERMIT FEES.

Permit fees shall be calculated as prescribed in this Chapter.

SEC. 110.3 PERMIT EXPIRATION

Refer to Section 108.2 of this Chapter.

SEC. 110.4 PERMIT VALIDITY.

Refer to Section 108.2 of this Chapter.

SEC. R-115 INSPECTIONS

Periodic and phase inspections shall be made by the Building Official and properly recorded as to status. Action taken shall be dependent on the inspection findings.

SEC. R-201.2 CLIMATIC CRITERIA.

The climatic criteria shall be as established in the BOCA National Building Code/1993.

SEC. P-2000 PLUMBING CODE.

All plumbing materials and work shall comply with the Illinois State Plumbing Code.

Section 3. This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form, as required by law.

**PASSED** by the City Council of the City of LeRoy, Illinois, upon the motion by  
Lois Parkin, seconded by Ronnie Litherland

, by roll call vote on the 7th day of August, 1995, as follows:

Aldermen elected 6 Aldermen present 6

**VOTING AYE:**

David McClelland, Lois Parkin, Ronnie Litherland, Dawn Thompson, George Cook  
(full names) Fred Dodson

**VOTING NAY:**

None  
(full names)

**ABSENT, ABSTAIN, OTHER:**

None  
(full names)

and deposited and filed in the office of the City Clerk in said municipality on the 7th day of  
August, 1995.

X Juanita Dagley  
Juanita Dagley, City Clerk of the City of LeRoy,  
McLean County, Illinois

**APPROVED BY** the Mayor of the City of LeRoy, Illinois, this 7th day of  
August, 1995.

X Jerry C. Davis  
Jerry C. Davis, Mayor of the City of LeRoy,  
McLean County, Illinois

ATTEST: (SEAL)

X Juanita Dagley  
Juanita Dagley, City Clerk, City of LeRoy,  
McLean County, Illinois

**CERTIFICATE**

I, Juanita Dagley, certify that I am the duly elected and acting municipal clerk of the City of LeRoy, of McLean County, Illinois.

I further certify that on August 7, 1995, the Corporate Authorities of such municipality passed and approved Ordinance No. 619, entitled:

**AN ORDINANCE CREATING A NEW CHAPTER 20, BUILDING CODE, OF THE MUNICIPAL CODE OF LEROY, ILLINOIS, 1975 (as amended),**

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 619, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on August 7, 1995, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated at LeRoy, Illinois, this 7th day of August, 1995

(SEAL)

  
Municipal Clerk

STATE OF ILLINOIS        )  
                                  ) SS:  
COUNTY OF McLEAN        )

I, Juanita Dagley, do hereby certify that I am the duly qualified and acting City Clerk of the City of LeRoy, McLean County, Illinois, and as such City Clerk that I am the keeper of the records and files of the Mayor and the City Council of said City.

I do further certify that the foregoing is a true, correct and complete copy of an ordinance entitled:

**AN ORDINANCE CREATING A NEW CHAPTER 20, BUILDING CODE, OF THE MUNICIPAL CODE OF LEROY, ILLINOIS, 1975 (as amended),**

I do further certify said ordinance was adopted by the City Council of the City of LeRoy at a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 1995, and prior to the making of this certificate the said ordinance was spread at length upon the permanent records of said City where it now appears and remains as a faithful record of said ordinance in the record books.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1995.

X \_\_\_\_\_  
                                  City Clerk

(SEAL)