

CHAPTER 6 – BUILDING CODE

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CHAPTER 6

BUILDING CODE

ARTICLE I – GENERAL REQUIREMENTS

6-1-1 **TITLE.** This Chapter shall be known as the “Building Code of the Village of Pocahontas”.

6-1-2 **CONFORMITY.** No building or structure shall hereafter be constructed, altered, repaired or removed, nor shall the equipment of a building, structure or premises be constructed, installed, altered, repaired or removed, except in conformity with the provisions of this Chapter.

6-1-3 **ADOPTION OF CODES.** The Building Officials and Code Administrators International, Inc., Abridged Building Code, Sixth Edition, 1975, and the 1976 accumulative supplement thereto are hereby incorporated herein by reference, and shall be, subject to the variations and exceptions listed in this Chapter, and all succeeding supplements are also adopted.

ARTICLE II – VARIATIONS FROM THE ABRIDGED BUILDING CODE

6-2-1 **VARIATIONS.**
(A) Section 100.1 – Wherever the name of a municipality is required, the Village of Pocahontas, Illinois, shall be inserted.

(B) **Fees. (See Addendum “A”)**

(C) There is hereby added to Section 125 the following:

(1) **125.6 – Substandard Buildings.** The Building Inspector shall:

- (a) Inspect or cause to be inspected periodically, all public buildings, schools, halls, churches, theatres, hotels, tenements, commercial, manufacturing or loft buildings for the purpose of determining whether any conditions exist which render such places a “dangerous or unsafe building” within the terms of this Chapter.
- (b) Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this Chapter.
- (c) Inspection any building, wall or structure reported by the Fire or Police Department of the Village, to determine whether they are “dangerous or unsafe buildings” within the terms of this Chapter.
- (d) Inspect periodically any buildings which are substandard in their construction or appearance to determine whether they are “dangerous or unsafe” within the terms of this Chapter.
- (e) Notify, in writing, the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Bond, or the person or persons in whose name such real estate was last assessed, of any

building found by him to be a “dangerous or unsafe building” within the standards of this Chapter, that:

- (i) the owner must vacate, or repair, or demolish said building in accordance with the terms of the notice and this Chapter;
 - (ii) the occupant or lessee must vacate said building or may have it repaired in accordance with the notice and remain in possession;
 - (iii) the mortgagee, agent or other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Bond may at his own risk repair, vacate, or demolish said building or have such work or act done; provided, that any person notified under this subsection to repair, vacate, or demolish any building shall be given such reasonable time, not exceeding **thirty (30) days**, as may be necessary to do, or have done, the work or act required by the notice provided for herein.
- (f) Set forth in the notice provided for in subsection (e) hereof, a description of the building or structure deemed unsafe, a statement of the particulars which make the building or structure a dangerous or unsafe building and an order requiring the same to be put in such condition as to comply with the terms of this Chapter within such length of time, not exceeding **thirty (30) days**, as is reasonable.
- (g) Report to the Village President and the Village Attorney any noncompliance with the notice provided for in subsection (e) and (f) hereof.
- (h) Appear at all hearings conducted and testify as to the condition of “dangerous and unsafe buildings”.
- (i) Place a notice on all “dangerous and unsafe buildings” reading as follows:
 “This building has been found to be a dangerous and unsafe building by the Building Inspector. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee, or agent of this building, or person or persons in whose name such building was last assessed, and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County of Bond. It is unlawful to remove this notice until such notice is complied with.”
- (2) **125.7 – Dangerous and Unsafe Buildings Defined.** All buildings or structures which have any or all of the following defects shall be deemed “dangerous and unsafe buildings”.
- (a) Those whose interior walls or other vertical structural members list, lean or buckle to any an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
 - (b) Those which, exclusive of the foundation, show **thirty-three percent (33%)** or more of damage or deterioration of the supporting member or members, or **fifty percent (50%)** of damage or deterioration of the non-supporting enclosing or outside walls or covering.
 - (c) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or

which have insufficient strength to be reasonably safe for the purpose used.

- (d) Those which have been damaged by fire, wind, or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the Village.
 - (e) Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein.
 - (f) Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein.
 - (g) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication.
 - (h) Those which have parts thereof which are so attached that they may fall and injure members of the public or property.
 - (i) Those which because of their condition are unsafe, unsanitary, or dangerous to the health, morals, safety or general welfare of the people of this Village.
 - (j) Those buildings existing in violation of any provision of the Building Code of this Village, or any provision of the fire prevention code or other ordinances of the Village.
 - (k) Those vacant buildings with unguarded openings shall be deemed to constitute a fire hazard and to be unsafe within the provisions of this Code.
 - (l) Those buildings which are uncompleted or abandoned.
- (3) **125.8 – Standards for Repairs, Vacation or Demolition.** The following standards shall be followed in substance by the Building Inspector in ordering repair, vacation or demolition:
- (a) If the “dangerous and unsafe building” is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants it shall be ordered to be vacated.
 - (b) If the “dangerous and unsafe building” can reasonably be repaired so that it will no longer exist in violation of the terms of this Chapter it shall be ordered repaired.
 - (c) In any case, where a “dangerous and unsafe building” is **fifty percent (50%)** damaged or decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this Chapter it shall be demolished. In all cases where a “dangerous and unsafe building” is a fire hazard existing or erected in violation of the terms of this Chapter or any ordinance of the Village or statute of the State of Illinois, it shall be demolished.
- (4) **125.9 – Dangerous and Unsafe Buildings – Nuisances.** All dangerous and unsafe buildings within the terms of Section 125.7 of this ordinance are hereby declared to be public nuisances and shall be repaired, vacated or demolished as hereinbefore and hereinafter provided.
- (5) **125.10 – Violations – Penalty for Disregarding Notices or Orders.** The owner of any dangerous and unsafe building who shall fail to

comply with any notice or order to repair, vacate or demolish said building given by any person authorized by this Chapter to give such notice or order shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not exceeding **Two Hundred Dollars (\$200.00)** for each offense and a further sum of **Ten Dollars (\$10.00)** for each offense and a further sum of **Ten Dollars (\$10.00)** for each and every day such failure to comply continues beyond the date fixed for compliance.

The occupant or lessee in possession who fails to comply with any notice to vacate and who fails to repair said building in accordance with any notice given as provided for in this Chapter shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding **Two Hundred Dollars (\$200.00)** for each offense and a further sum of **Ten Dollars (\$10.00)** for each and every day such failure to comply continues beyond the date fixed for compliance.

Any person removing the notice provided for in Section 125.6, subsection (i) hereof shall be guilty of a misdemeanor and upon conviction, shall be fined not exceeding **Two Hundred Dollars (\$200.00)** for each offense.

(6) **125.11 – Duties of the Attorney for the Village.** The Attorney for the Village shall apply to the Circuit Court for an order authorizing the demolition, repair or vacation of dangerous and unsafe buildings or uncompleted or abandoned buildings when notices have not been complied with and when requested so to do by the Building Inspector or the Village President.

(7) **125.12 – Liens.** The cost of repair, demolition, vacation or enclosure shall be recoverable from the owner or owners of such real estate and shall be a lien thereon, which lien shall be subordinate to all prior existing liens and encumbrances; provided that, within **sixty (60) days** after said cost and expense is incurred, the Village, or person performing the service by authority of the Village, in his or its own names, shall file notices of lien in the office of the Recorder of Deeds in the County of Bond. The notice shall consist of a sworn statement setting out (1) a description of the real state sufficient for identification thereof, (2) the amount of money representing the cost and expense incurred or payable for the service, and (3) the date or dates when said cost and expense was incurred by the Village. Upon payment of said cost and expense by the owner of or persons interested in said property after notice of lien has been filed, the lien shall be released by the Village or person in whose names the lien has been filed and said release may be filed of record as in the case of filing notice of lien. The lien may be enforced by proceedings to foreclosure as in case of mortgages or mechanic’s liens. Suit to foreclose this lien shall be commenced within **three (3) years** after the date of filing notice of lien.

(D) Add the following Sections:

(1) **117.3 – Moving Buildings.** No building shall be moved from one location to another without a permit having been issued by the Building Inspector. Application for permit to move a building shall state the existing location of the building, the legal description and street address to which it is to be moved, and the proposed route to be covered and number of days the building will obstruct any public street, alley, sidewalk or other public property. The application shall also provide evidence, in writing, of the approval of any public utility company, or the Village, for cutting or moving

and repair of any wires, or equipment of said public utility company, or the Village.

A drawing showing the construction of the building and a plot plan to scale showing the location of the building on the new site shall be filed with the Building Inspector.

- (2) **117.4 – Demolition.** No building or structure may be demolished whether by the independent will of the owner or by order of the Building Inspector as an unsafe building or structure without a permit having been issued by the Building Inspector. Application for permit to demolish a building or structure shall state the legal description of the property and street address on which the demolition is to be done, and the cubic feet of volume (including basement and below grade portions of the structure) and the number of dwelling units in the building. The name and address of the contractor shall be furnished.

ARTICLE III - BUILDING PERMITS

6-3-1 PERMIT. In any instance where a building permit is required, work on such project shall begin within **sixty (60) days** of issuance of the building permit. If no work has begun within **sixty (60) days**, said building permit shall expire and be void.

6-3-2 NEW CONSTRUCTION COMPLETION. For any new construction of a primary use building, construction shall be completed within **twelve (12) months** of the issuance of a building permit.

At the end of such time, the building permit shall expire and be void, and all work must cease.

6-3-3 OTHER CONSTRUCTION. For any purpose other than that listed above, construction shall be completed within **six (6) months** of the issuance of the building permit.

At the end of such time, the building permit shall expire and be void, and all work must cease.

6-3-4 RE-APPLICATION. The person who originally applied for the building permit may re-apply for a building permit. Re-applications may be granted by the Board of Appeals upon good cause shown by the applicant and shall be granted for such reasonable period of time as the Board of Appeals allows. In no event shall such time exceed the limits set forth above. In no event shall a person be granted more than one re-application.

6-3-5 UNLAWFUL TO BEGIN WORK.

(A) It shall be unlawful for any person to begin work without a building permit, or to continue work after a building permit has expired, where such building permit is required under this Chapter.

(B) It shall be unlawful for any property owner or tenant responsible for construction, to cause or allow another to begin work without a building permit, or to continue work after a building permit has expired where such building permit is required under this Chapter.

(C) Each day work continues in violation of paragraphs (A) or (B) above shall constitute a new offense.

6-3-6 PENALTY. Any person who violates any provision of this Article shall be guilty of a petty offense and shall be subject to a fine of not less than **Twenty-Five Dollars (\$25.00)** and not more than **Five Hundred Dollars (\$500.00)** for each offense.

(Ord. No. 7-1993)

ADDENDUM "A"

BUILDING PERMITS

A building permit is required for new construction, remodeling or various property improvements. The Building Inspector will issue a building permit, upon completion of a building permit application and payment of fees. The building inspector will monitor the project to ensure improvements meet or exceed adopted Village Codes.

For more information contact the Building Inspector: 618-791-2874.

Building Permit Fee Schedule

A building permit is typically required for the following:

- Additions
- Demolitions
- Electrical systems
- Fences
- Fire Suppression/Detection systems
- Miscellaneous for Commercial (parking, health, food handling, signs)
- Miscellaneous for Residential (accessory structures (shed over 200 sf), carports, decks, handicap ramp, portable buildings)
- Moving of Buildings or Structures
- New Buildings
- Plumbing Systems
- Prefabricated Structures
- Renovations
- Roof Replacement
- Temporary Buildings

Application or notice to the code official is not required for ordinary repairs to structures and normal maintenance. Such repairs shall not include the cutting away of any wall, partition, or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress or rearrangement of parts of a structure affecting the egress requirements, nor shall ordinary repairs include an addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer drainage, drain leader, gas, soil waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

Residential Fees

New Construction \$0.20/sq. ft.

For habitable space \$0.15/sq. ft.

None for non-habitable space including porches, unfinished basements, decks, garages (attached)

Remodeling (any type of work inside the structure, such as drywall, different size windows or doors, changes to supporting or non-supporting walls, plumbing, electric)

Under \$500.00 in cost	\$10.00
\$501 - \$1,000	\$15.00
\$1,001 - \$5,000	\$25.00
Over \$5,000	\$30.00 + \$0.07 for each sf remodeled

BUILDING CODE BUILDING PERMITS

ALL NEW CONSTRUCTION AND REMODELING MUST MEET CURRENT CODES.

Commercial Fees

New Construction and Remodel

Up to 5,000 sq. ft.

\$0.15/sq. ft.

After the first 5,000 sq. ft.

\$0.10/sq. ft.

Signs

\$0.30/sq. ft. with \$5.00 minimum

FLAT FEES

Residential

Commercial

None

(No additional fee is required if included in new construction or remodeling permit)

Demolition (Any structure or part of)

\$30.00

Fences (over 3 ½ feet tall)

\$10.00

Miscellaneous

\$30.00

Exterior construction, decks, portable buildings, accessory structure (shed under 200 sq. ft.) carports
(Not including storage type buildings, refer to new construction uninhabitable space)

Mobile Home and/or pad

\$30.00

Patios

\$30.00

Pools

\$20.00

Roofing

\$30.00

Sewage systems

\$30.00

Unattached garages

\$30.00

ALL NEW CONSTRUCTION AND REMODELING MUST MEET CURRENT CODES.

Permits are not required for: items such as new siding, painting, carpeting, flooring, or similar replacement items that do not change the structure of the building, electrical system, or plumbing systems.

CURRENT CODES

National Electrical Code 2020

Illinois Plumbing Code – current edition

International Building Code 2021 (for commercial)

International Fuel Gas Code 2021

International Residential Code 2021

(Ord. No. 8-28-23)

Here are some recent code changes you should be aware of.

Roofing:

Shingle roofs will require metal roof edge and weatherproof underlayment such as #15 felt or equivalent.

Electrical:

Each switch leg must have a neutral available at the switch location.

GFCI protection is required for all receptacles in bathrooms, crawl spaces, garages, and outdoor receptacles.

GFCI protection is required for all receptacles within 6 feet of any sink.

GFCI protection is required for all sump pumps.

AFCI protection is required for receptacles in all family rooms, dining rooms, living rooms, sunrooms, parlors, libraries, offices, dens, recreation rooms, closets, and other inhabitable rooms not listed for GFCI-only protection.

AFCI/GFCI protection is required for all receptacles in kitchens, bedrooms, hallways, laundry areas, basements (finished or unfinished), and dishwashers.

GFCI protection is required for all 240V less than 50 amps circuits in kitchens, laundry areas, garages, and outdoor outlets and receptacles. This includes stoves, dryers, and air conditioners.

Metallic water lines, gas lines, and CSST gas lines must be bonded.

Smoke Alarms:

Smoke alarms must be hard-wired and designated as 10-year alarms. New construction smoke and carbon monoxide alarms must be interconnected so that if one is activated, it will also activate all others in the home.

Alarms should be placed within 15 feet of any sleeping room, one in each sleeping room, one on each floor, including basements but excluding attic areas not used as occupied space.

Carbon monoxide alarms should be located within 15 feet of all sleeping rooms and one on each floor, including basements but excluding attic areas not used as occupied space.

This is only a highlight of what is expected. If you have any questions, please contact Don Hawley at 618-791-2874.