

Chapter 6 BUILDINGS* **Check for all code updates

***Cross references:** Cable communications, ch. 6 1/4; fire prevention and protection, ch. 9; floods, ch. 9 1/2; unsafe or unsanitary buildings, § 14-74(10); planning, ch. 17; plumbing code, ch. 18; public health, ch. 20; streets and sidewalks, ch. 22; vegetation, ch. 23 1/2; water, sewers and sewage disposal, ch. 24; zoning, app. A; subdivisions, app. B.

State law references: Authority of city to prescribe building regulations, Ill. Rev. Stat. ch. 24, § 11-30-4.

Article I. In General

Sec. 6-1. Fire limits established.

Secs. 6-2--6-11. Reserved.

Article II. Construction Within Fire Limits

Sec. 6-12. Permit required; exception.

Sec. 6-13. Permit application.

Sec. 6-14. Issuance.

Sec. 6-15. Reserved.

Sec. 6-16. Roofs.

Sec. 6-17. Walls.

Sec. 6-18. Joists; beams; timbers.

Secs. 6-19--6-28. Reserved.

Article III. Dangerous Buildings

Sec. 6-29. Definitions.

Sec. 6-30. Declared to be nuisances.

Sec. 6-31. Existence and occupancy prohibited.

Sec. 6-32. Correction of defects or removal generally.

Sec. 6-33. Removal of damaged buildings.

Secs. 6-34--6-40. Reserved.

Article IV. Construction, Removal, Demolition of Buildings, Etc., Within Certain Area

Sec. 6-41. Permit required.

Sec. 6-42. Reserved.

Sec. 6-43. Application form, contents.

Sec. 6-44. Those authorized to make application.

Sec. 6-45. Amendments to application.

Sec. 6-46. Plans to accompany application.

Sec. 6-47. Plot plan.

Sec. 6-48. Repairs.

Sec. 6-49. Action on application.

Sec. 6-50. Revocation of permit.

Sec. 6-51. Approval of permit in part.

Sec. 6-52. Permit for removal.

Sec. 6-53. Compliance with permit.

Sec. 6-54. Reducing or diminishing lot area.

Sec. 6-55. Signature to permit.

Sec. 6-56. Expiration of permit.

Sec. 6-57. Posting of permit.

Sec. 6-58. Commencement notice to be given.

Sec. 6-59. Permit costs.

Sec. 6-60. Penalties.

Secs. 6-61--6-80. Reserved.

Article V. Existing Structures Code

Sec. 6-81. Adopted.

Sec. 6-82. Penalty for violation.

Sec. 6-83. Appeals board--Created.
Sec. 6-84. Same--Composition.

ARTICLE I. IN GENERAL

Sec. 6-1. Fire limits established.

The fire limits of the city shall consist of all properties within the city limits as amended from time to time.

(Code 1970, § 6-1)

Cross references: Fire prevention and protection, ch. 9; fire prevention regulations within fire limits, § 9-1 et seq.; inspections by fire chief within fire limits, § 9-42.

State law references: Authority of city to prescribe fire limits, Ill. Rev. Stat. ch. 24, § 11-8-2.

Secs. 6-2--6-11. Reserved.

ARTICLE II. CONSTRUCTION WITHIN FIRE LIMITS*

***Cross references:** Inspections by fire chief within fire limits, § 9-42.

State law references: General powers of city to prescribe regulations governing fire hazards in buildings, Ill. Rev. Stat. ch. 24, § 11-8-2.

Sec. 6-12. Permit required; exception.

No person shall erect any new building or add to, repair or alter any building already erected, or move any building within or into the fire limits, without first obtaining a permit to do so. However, no permit shall be required for ordinary minor repairs which do not increase the size of the building, or alter its condition as a fire risk.

(Code 1970, § 6-12)

Sec. 6-13. Permit application.

Any person desiring the permit required by section 6-12 shall file with the zoning administrator an application in writing, addressed to the mayor, stating the dimensions of the proposed building or addition; the nature and extent of the proposed alteration; the lot and block where the structure is, or is to be located; the general plan of construction; the materials to be used therein, and the purpose for which such building is to be used.

(Code 1970, § 6-13)

Sec. 6-14. Issuance.

If the mayor finds the application plans and building which were submitted

pursuant to section 6-13 conform to city ordinances, he shall endorse his approval upon such application, and the zoning administrator shall issue the permit required by section 6-12 to such applicant under the corporate seal.

(Code 1970, § 6-14)

Sec. 6-15. Reserved.

Sec. 6-16. Roofs.

All roofs on buildings within the fire limits of the city shall be constructed of fire retardant material.

(Code 1970, § 6-16)

Sec. 6-17. Walls.

(a) All outside and party walls in the fire limits shall be constructed of fireproof material. Where such walls exceed 24 feet in height above the top of the sidewalk, such walls shall be at least 12 inches in thickness.

(b) Where buildings are three stories high, the first story wall shall be at least 16 inches thick and the second and third stories shall be at least 12 inches thick.

(Code 1970, § 6-17)

State law references: Authority of city to regulate party walls, Ill. Rev. Stat. ch. 24, § 11-30-1.

Sec. 6-18. Joists; beams; timbers.

All joists, beams and timbers in outside and party walls in the city limits shall be separated by at least four inches from one another by concrete, stone or brick laid in mortar. All wooden lintels shall recede from the outside of the walls by at least two inches.

(Code 1970, § 6-18)

Secs. 6-19--6-28. Reserved.

ARTICLE III. DANGEROUS BUILDINGS*

***State law references:** Authority of city relative to dangerous buildings, Ill. Rev. Stat. ch. 24, § 11-31-1 et seq.; authority of city to remove or place in a safe condition buildings which are fire hazards, Ill. Rev. Stat. ch. 24, § 11-8-2.

Sec. 6-29. Definitions.

The following words, terms and phrases, when used in this article, shall have the

meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dangerous building means any building, shed, fence or other manmade structure which:

- (1) 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 of neighboring structures;
- (2) 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) By reason of faulty construction, age, lack of proper repair 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; and
- (4) 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.

(Code 1970, § 6-29)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 6-30. Declared to be nuisances.

Any dangerous building in the city is hereby declared to be a nuisance.

(Code 1970, § 6-30)

Cross references: Nuisances generally, § 14-66 et seq.

Sec. 6-31. Existence and occupancy prohibited.

It shall be unlawful for any person to maintain or permit the existence of any dangerous building owned by him in the city. 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.

(Code 1970, § 6-31)

Sec. 6-32. Correction of defects or removal generally.

- (a) Whenever the health inspector or any other officer or employee of the city shall be of the opinion that any building or structure in the city is a dangerous building, he shall file a written statement to this effect with the mayor. The mayor 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 form:

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

You are hereby notified that (described building) on the premises above described 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 will proceed to do so.

- (b) If the person receiving such notice has not complied therewith or taken an appeal from the determination of the officer or employee finding that a dangerous building exists within 15 days from the time when such notice is served upon such person by personal service or by registered mail, the city may proceed to have the condition remedied or the building demolished in accord with the statutes of this state.

(Code 1970, § 6-32)

Cross references: General duties of mayor, § 2-43; authority for health inspections, § 20-20.

Sec. 6-33. Removal of damaged buildings.

- (a) Any building or structure within the city damaged by fire, decay or other cause to the extent of 50 percent of its value shall be torn down and removed.
- (b) Upon written notice by the health inspector, fire chief or any other city officer or employee filed with the mayor, the mayor shall appoint three persons to determine whether or not such building or structure has been damaged to the extent of 50 percent of its value. A copy of the notice filed by the city officer or employee, together with a notice of the appointment of this board of three persons to determine the damage, shall be served upon the owner of the premises by personal service or by registered mail to his last known address. Such notice may be in substantially the following form:

To _____.

You are hereby notified that _____ has determined that the building owned by you at _____ located within the city has been damaged by fire, decay or otherwise to the extent of 50 percent of its value; and that a board of three members has been appointed to verify this finding, which board will hold its first meeting in the city hall on the _____ day of _____ at the hour of _____ o'clock, at which time it will determine whether this finding is correct.

If this finding is verified by the board, you must tear down and remove the said building.

- (c) If the board of three members determines that the building in question has been damaged to the extent of 50 percent of its value, it shall be the duty of the owner to tear down or remove the building within 20 days after the finding of the board,

and it shall be unlawful to occupy or permit such building to be occupied after such finding.

(Code 1970, § 6-33)

Secs. 6-34--6-40. Reserved.

ARTICLE IV. CONSTRUCTION, REMOVAL, DEMOLITION OF BUILDINGS, ETC., WITHIN CERTAIN AREA

Sec. 6-41. Permit required.

It shall be unlawful to construct, alter, remove or demolish, or to commence the construction, alteration, removal or demolition of a building, mobile home or structure or install equipment for the operation of a building or structure within the following described area, to wit:

- (1) All that part of the city lying west of the Chicago and Illinois Midland Railroad; north of Antle Street; east of Sixth Street (Illinois Route 97); and south of a line 250 feet south of Liberty Street; also
- (2) All that part of the city lying west of the east corporate limits and west of the Sangamon River and lying east of the Chicago and Illinois Midland Railroad and east of the Illinois Central Gulf Railroad, excepting the following:
 - a. That part lying north of Light Street and west of a line 500 feet east of Fourth Street;
 - b. That part lying south of Light Street, north of Liberty Street and west of a line 100 feet east of Fourth Street;
 - c. That part lying south of Liberty Street, north of a line 250 feet south of Liberty Street and west of a line 200 feet west of Fourth Street;

without first filing with the zoning administrator an application in writing and obtaining a formal permit.

(Code 1970, § 6-41)

Sec. 6-42. Reserved.

Sec. 6-43. Application form, contents.

An application for a permit required by this article shall be submitted in such form as the zoning administrator may prescribe. Such application shall contain the full names and addresses of the applicant and of the owner, and, if the owner is a corporate body, of its responsible officer. The application shall also describe briefly the proposed work and shall give such additional information as may be required by the zoning administrator for an intelligent understanding of the work proposed.

(Code 1970, § 6-43)

Sec. 6-44. Those authorized to make application.

Applications for permits required by this article shall be made by the owner or lessee, or agent of either, or the architect, engineer or builder employed in connection with the proposed work. If such application is made by a person other than the owner, it shall be accompanied by a duly verified affidavit of the owner or the person making the application that the proposed work is authorized by the owner and that the person making the application is authorized to make such application.

(Code 1970, § 6-44)

Sec. 6-45. Amendments to application.

Nothing in this article shall prohibit the filing of amendments to an application, or to a plan or other record accompanying same, at any time before the completion of the work for which the permit was issued. Such amendments shall be filed with and be deemed a part of the original application, if approved before the certificate of occupancy has been issued, otherwise a new application for the alteration shall be made and a permit secured.

(Code 1970, § 6-45)

Sec. 6-46. Plans to accompany application.

Applications for permits under this article shall be accompanied by drawings of the proposed work, drawn to scale, showing when necessary floor plans, sections, elevations, structural details, computations and stress diagrams, as the city clerk may require.

(Code 1970, § 6-46)

Sec. 6-47. Plot plan.

When required by the zoning administrator, there shall be submitted with the application for a permit under this article a plot plan in a form and size designated by the zoning administrator for filing permanently with the permit record, drawn to scale, with all dimensions figured showing accurately the size and exact location of all proposed new construction and the relation to other existing or proposed buildings or structures on the same lot and other buildings or structures on adjoining property within 15 feet of the property lines. In the case of demolition, the plot plan shall show the buildings or structures to be demolished and the buildings or structures on the same lot that are to remain.

(Code 1970, § 6-47)

Sec. 6-48. Repairs.

Repairs may be made without filing an application or obtaining a permit under this article, unless such repairs amount to a "substantial improvement," the cost of which equals or exceeds 50 percent of the actual cash value of the structure either:

- (1) Before the improvement is started; or

- (2) If the structure has been damaged and is being restored, before the damage occurred.

(Code 1970, § 6-48)

Sec. 6-49. Action on application.

The zoning administrator shall examine applications for permits under this article within a reasonable time after filing. If, after examination, he finds no objections to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto and the proposed construction of work will be safe, he shall approve such application and issue a permit for the proposed work as soon as practicable. If his examination reveals otherwise, he shall reject such application, note his findings in a written report to be attached to the application and deliver a copy to the applicant.

(Code 1970, § 6-49)

Sec. 6-50. Revocation of permit.

The zoning administrator may revoke a permit issued under this article or approval issued in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

(Code 1970, § 6-50)

Sec. 6-51. Approval of permit in part.

Nothing in this article shall be construed to prevent the zoning administrator from issuing a permit for the construction of part of a building or structure before the entire plans and detailed statements of such building or structure have been submitted or approved, provided adequate information and detailed statements have been submitted for the same and have been found to comply with this article.

(Code 1970, § 6-51)

Sec. 6-52. Permit for removal.

No permit to remove a building or structure shall be issued until notice of application therefor shall have been given to the owners of property adjoining the property upon which such building or structure is to be moved and to the owners of wires or other impediments the temporary removal of which will be necessary, and an opportunity has been given such owners to be heard upon such application nor until a bond in an adequate sum has been filed with the officer of proper authority, to indemnify and save harmless the municipality from damage.

(Code 1970, § 6-52)

Sec. 6-53. Compliance with permit.

All work performed under a permit issued under this article by the zoning administrator shall conform to the approved application and plans, and approved

amendments thereto. The location of all new construction as shown on the approval plot plan or an approved amendment thereto shall be strictly adhered to.

(Code 1970, § 6-53)

Sec. 6-54. Reducing or diminishing lot area.

It shall be unlawful to reduce or diminish the area of a lot or plot of which a plot plan has been filed and has been used as the basis for a permit issued under this article, unless a revised plot plan showing the proposed changes in conditions shall have been filed and approved; provided this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement.

(Code 1970, § 6-54)

Sec. 6-55. Signature to permit.

Every permit issued by the zoning administrator under the provisions of this article shall have his signature affixed thereto.

(Code 1970, § 6-55)

Sec. 6-56. Expiration of permit.

A permit issued pursuant to this article under which no work is commenced within six months after issuance shall expire by limitation and a new permit shall be secured before work is started.

(Code 1970, § 6-56)

Sec. 6-57. Posting of permit.

A copy of the permit issued under this article shall be kept on the premises for public inspection during the prosecution of the work and until the completion of such work. The zoning administrator may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof.

(Code 1970, § 6-57)

Sec. 6-58. Commencement notice to be given.

The zoning administrator shall be given at least 24 hours' notice of the starting of work under a permit.

(Code 1970, § 6-58)

Sec. 6-59. Permit costs.

Permit costs under this article shall be as follows:

- (1) Permits to demolish, no fee.
- (2) Permits to construct, alter or improve a building or structure under section

6-41 of this article, no fee.

(Code 1970, § 6-59)

Sec. 6-60. Penalties.

Violations of this article shall be considered class B misdemeanors. Each day of continuance of such violation shall be considered a separate offense.

(Code 1970, § 6-60)

Secs. 6-61--6-80. Reserved.

ARTICLE V. EXISTING STRUCTURES CODE*

***State law references:** Incorporation by reference of certain construction regulations, Ill. Rev. Stat. ch. 24, § 1-3-1 et seq., ch. 85, § 1000 et seq.

Sec. 6-81. Adopted.

The BOCA Basic/National Existing Structures Code, 1999, copies of which are on file in the city hall, is hereby adopted as the property maintenance code of the city for the control of buildings and structures as provided in such code.

(Ord. No. 85-12-2, § 1, 12-17-85)

Sec. 6-82. Penalty for violation.

Any person who shall violate any provision of this article shall, upon conviction thereof, be guilty of a class C misdemeanor. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(Ord. No. 85-12-2, § 2, 12-17-85)

Sec. 6-83. Appeals board--Created.

In order to protect existing structures in the jurisdiction by vigorous enforcement of the provisions of the code adopted by this article, there shall be and is hereby created a property maintenance code appeals board.

(Ord. No. 85-12-2, § 3, 12-17-85)

Cross references: Administration, ch. 2.

Sec. 6-84. Same--Composition.

The property maintenance code appeals board shall consist of three residents appointed by the mayor with the advice and consent of the city council including: a realtor, a general contractor and one citizen who is either a renter for at least two years

or a homeowner for at least two years. The mayor shall also appoint one member to act as chairman, who will serve one year. Each member shall have been a resident of the city for at least one year prior to appointment. The renter or the homeowner member will be asked to resign if his status as renter or homeowner is changed. Thereafter, all appointments shall be for periods of two years. Each member shall serve until his successor has been appointed.

(Ord. No. 85-12-2, §§ 3, 4, 12-17-85)